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Addendum

ANNEXES TO THE FINAL REPORT OF THE COMMISSION OF EXPERTS ESTABLISHED PURSUANT TO SECURITY COUNCIL RESOLUTION 780 (1992)

VOLUME I - ANNEXES I TO V

INTRODUCTION

1. The Annexes contained herein consist of reports derived from the database and other research and investigative efforts of the Commission. These reports constitute the factual basis of the Commission's findings and set out in detail certain aspects of the Commission's work.

2. The Commission deemed the Annexes to be an integral part of its Final Report. The Secretary-General concurred, as he stated in his transmittal Letter of the Commission's Final Report, dated 24 May 1994, to the President of the Security Council:

> I have examined the final report carefully, and I fully concur with the conclusions reached by the Commission....The annexes will be forwarded to members of the Council as soon as they become available (S/1994/674 at 2).

3. The Annexes are published by the Secretary-General at the request of the Commission. As stated in the Secretary-General's transmittal Letter, referred to above:

> The final report includes several annexes containing reports of investigations and studies, which as a whole constitute an integral part of the report. In his letter to me of 6 May 1994, the Chairman of the Commission requested that the annexes be published, although for cost purposes and given their volume (approximately 3,000 pages) it was suggested that they be published in English only and funded from the remaining surplus in the Trust Fund of the Commission of Experts (S/1994/674 at 2).

4. The Annexes have not each been approved by the entire Commission. However, each has been prepared by or under the direction of a member of the Commission and all have been reviewed and approved by the Chairman. The names of those who assisted in the preparation are mentioned on the title page of each Annex.

5. The Annexes are based on the data contained in some 65,000 pages of documents received by the Commission's database, established at DePaul University's International Human Rights Law Institute, Chicago, as well as on the investigations of the Commission and the research of its members and their staff.

6. With some exceptions, the information and allegations contained therein have not been verified. However, the cumulative nature of the information, as well as its corroboration from multiple sources evidences a degree of reliability, in the aggregate and in many individual cases. The recurrence of certain factual information from multiple or unrelated sources provides a basis for an inference of reliability and credibility. Viewed in its entirety, the combination of this information warrants the Commission's findings as to the general patterns and policies described in the Final Report and in the Annexes.

7. It must be noted that the information upon which these Annexes are based is limited in comparison to all that which could have been obtained had the Commission been appropriately funded and staffed, and had there been more time to conduct in-depth investigations. Despite these and other limitations and constraints described in the Final Report, what was achieved is nonetheless exceptional and revealing (S/1994/674 at ¶¶ 12-17).

8. As also indicated in the Final Report, the Commission was terminated on 30 April 1994. Thus, it ceased to receive information since then (S/1994/674 at ¶¶ 31-33). Furthermore, the database was transferred at that time to the

Office of the Prosecutor of the International Criminal Tribunal for the former Yugoslavia at the Hague (ICTFY), and therefore, the data-entry work also had to be terminated. However, the work of the Commission, its database, and these Annexes did serve as bases for the Prosecutor's endeavors in the pursuit of justice.

9. Each Annex contains a brief description of the methodology followed and the basis upon which it is prepared. The format is in accordance with United Nations publications standards. The style is descriptive and reflects analysis which strives to be objective and impartial.

10. No other body has been established to pursue the tasks mandated to the Commission by the Security Council in its Resolution 780 (1992). Thus, the Final Report and these Annexes may well be the only relatively comprehensive, historic record likely to be compiled of the policies and practices as well as specific cases, evidencing grave breaches of the Geneva Conventions and other violations of international humanitarian law. The work of the ICTFY will, however, complement this historic record.

11. It was not the Commission's intention or part of its responsibility to prepare cases for criminal prosecution or to pronounce upon the guilt of individual persons. These are tasks for prosecutors and judges, who will form their own views after thorough investigation and deliberation, in accordance with the "rule of law." They are not, therefore, bound by any of the opinions or conclusions expressed in the Annexes. It should also be emphasized that no allegation contained in the Annexes with respect to any individual is intended to constitute a finding on the guilt or innocence of that person. That will ultimately have to be determined by appropriate judicial bodies.

12. In order to avoid any possible prejudice to any potential prosecutions, certain names and references have been removed during the editing process. To obviate concerns for privacy or risk of detrimentally affecting eventual prosecutions, the names that are mentioned in the Annexes are those that have been reported by the media or are otherwise publicly known. Above all, the Commission is concerned with safeguarding the confidentiality of victims and witnesses.

13. The Commission developed effective working relations with the Prosecutor's office. Additionally, several members of the Commission, including the Chairman, have worked closely with Prosecutor Goldstone, even after the Commission officially concluded its work. In fact, a former member of the Commission is on the Prosecutor's staff, as are two former Assistants to the Commission.

14. Mindful of the Prosecutor's task and the exigencies of his work, the Chairman and the Prosecutor cooperated in reviewing these Annexes to make sure that they do not contain any information detrimental to the task of the Prosecutor. This is why many names, places and other relevant information has been deleted from the Annexes. But, this information is in the hands of the Prosecutor.

M. Cherif Bassiouni (Egypt), Chairman
Christine Cleiren (The Netherlands)
William J. Fenrick (Canada)
Hanne Sophie Greve (Norway)
Kéba M'Baye (Senegal)

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FINAL REPORT OF THE UNITED NATIONS COMMISSION OF EXPERTS ESTABLISHED PURSUANT TO SECURITY COUNCIL RESOLUTION 780 (1992)

ANNEX SUMMARIES AND CONCLUSIONS

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Established Pursuant to Security Council Resolution 780 (1992)

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ANNEX SUMMARIES AND CONCLUSIONS

ANNEXES I - I.C

1. Annexes I through I.C describe administrative and organizational matters. They were prepared by the Commission's Secretariat 1/ and staff members of the International Human Rights Law Institute (IHRLI), DePaul University, under the supervision of Chairman Bassiouni. Annex I contains the Rules of Procedure of the Commission which were also attached to the (first) Interim Report as an appendix. 2/ The Rules of Procedure governed the activities of the Commission in the fulfillment of its mandate. Annex I.A includes an explanation of the workings of the IHRLI database and documentation centre and a description of the documents received by the Commission and catalogued in the documentarian's database. Annex I.B contains a list of the 34 missions undertaken by the Commission. 3/ Annex I.C contains a list of organizations which assisted or supported the work of the Commission to acknowledge their efforts.

ANNEX II - RAPE: A LEGAL STUDY

2. Commissioner Cleiren prepared Annex II, consisting of 18 pages of text, on the criteria for applying international humanitarian law to the crime of rape and other sexual assaults. The analysis addressed the legal issues of sexual assault against women, men, and children. 4/

ANNEX III - MILITARY STRUCTURE, STRATEGY AND TACTICS OF THE WARRING FACTIONS

3. This Annex was prepared by Chairman Bassiouni and consists of 37 pages. The analysis is based on a variety of sources describing the military structure, its evolution, and the strategies and tactics of the "warring factions" in the contextual evolution of this armed conflict. The historical, military, and political background of the military structure is described and analysed along with the particularities of the strategies and tactics of the parties. It is complemented by Annex III.A, which describes the role and activities of paramilitary organizations. The military characteristics described in Annexes III and III.A along with the historical background and policy of "ethnic cleansing" described in Annex IV are essential to an understanding of the facts that brought about the significant victimization and the violations of international humanitarian law that occurred in this conflict.

I. INTRODUCTION

4. The following report describes the basic military characteristics and features of the "warring factions" in the former Yugoslavia. The focus of this report is on the structures, strategies, and tactics of the regular military forces engaged in the conflict. These regular forces are those of the Yugoslav Army (JA) and its predecessor, the Yugoslav Peoples Army (YPA), also referred to as the Yugoslav National Army (JNA); the Bosnian Serb Army (BSA); the Krajina Serb Army (SKA); the Croatian Army (HV); the Croatian Defence Council (HVO); and the Army of Bosnia-Herzegovina (BiH). Paramilitary and Special Forces units have performed an important role in this conflict, often coordinating their operations with those of conventional forces. These forces are discussed in detail in Annex III.A. Armed police and local volunteers have also been also active participants in military activities.

5. With the exception of the JNA, the military forces involved in the conflict have been organized only recently. In large measure, they emerged from the former Yugoslav National Army (JNA) and local Territorial Defence Forces (TDF).

6. The strategies of the "warring factions" in the current conflict, with their decentralized structures and reliance on partisan tactics, have much in common with the tactics employed by Yugoslav forces during the Second World War. Thus, the following discussion begins with a review of military operations that emerged to resist the Axis powers.

7. The facts discussed above are linked to the periods to which they relate. Obviously, command structure, "order of battle", forces, equipment, and troop disposition change. Thus, this report is not intended to be a specific chronology of such events. Rather, it is intended to reflect a general situation that needs to be understood in order to assess the military context of the events that led to large scale violations. It is not therefore a complete survey of all aspects of the military situation. The description which follows is based on information obtained up to March 1993.

II. SUMMARY AND CONCLUSIONS

8. Unlike other conflicts, this one has peculiar characteristics which partake of conventional and unconventional war.

9. Political factors, both international and local, significantly affected the course of military operations.

10. Because the overall conflict evolved into three separate ones, the armies of some of the warring factions were newly constituted while the JNA was three times reconstituted. This situation produced complications and peculiarities with a direct bearing on the course of military activities, and the status of command and control.

11. The geographic spread of military industries, location of maintenance facilities, army depots and government supplies, also affected the course of military operations and the use of weapons because of the availability of munitions, spare parts and repair facilities.

12. Military operations in BiH and Croatia by the JNA, BSA, and SKA have essentially been a function of the political-military goal of securing territories that link Serbia proper with Serb-inhabited areas in BiH (along the Drina and Sava rivers) and Serb-inhabited areas in Croatia. The Serb goal was to achieve a territorial and defensible link between what is called "Greater Serbia". Thus, there has never been a unified or coherent battle line, but multiple theatres of operation between which forces shifted, depending on the status of each theatre. Strategic positions were related to each one of these theatres, but since these theatres were part of a political geographical arc linking Serbia with Serb-inhabited areas in BiH and Croatia, the theatres of military confrontation were readily identifiable. As the conflict progressed, the Serb side sought to solidify and enlarge its territorial gains in the areas of the projected "Greater Serbia", while BiH and Croatian forces sought to dislodge them. These theatres saw a constant ebb and flow of military activities.

13. Because these areas were of mixed ethnic and religious population and Serbs were usually a minority, particularly in BiH, Serbs felt that they had to dislodge the other groups. In 1992, Bosnian Serb forces were insufficient in number and disorganized. However, they were tasked by their political

leaders with massive population removal in a relatively short period of time without the open and direct participation of the JNA. The JNA, however, militarily supported the Bosnian Serb forces in many ways, including bombardment and shelling. They were also directly involved in several operations. This was in execution of the policy of "ethnic cleansing" which is described in Annex IV and more specifically in Annex V. The overriding political goal of depopulating these areas of non-Serbs determined the nature of the military activities. These areas were not military targets, but civilian areas with strategic importance derived from the fact that they linked Serbia with Serbs in BiH and Croatia. Personnel, arms and supplies crossed the Drina River from Serbia to Serbs in BiH and through Bosnian Serb areas to certain parts of the Krajinas, which are surrounded by Croats. Military operations in these areas must therefore be seen in this light in order to be understood.

14. Confrontation lines are therefore in and around cities and villages, and access roads to them. But they are not part of a continuous line. Consequently, there are seven areas in BiH controlled by the Bosnian government which are geographically unconnected. This also means that areas under Serb control are not contiguous. The same is true with respect to Bosnian and Croatian forces in Herzegovina and also in the Krajinas where the Serbs are in four unconnected sectors. This checkered military map meant the forces from different warring factions were interspersed. In many areas, the party in control is surrounded entirely by another party, or only partly by that party and partly by yet another party.

15. The result of this checkered and totally uneven field situation is that each one of these theatres of military confrontation had different characteristics. More particularly, they also had different dynamics and the relations between opposing groups varied significantly.

16. One way by which this is evident is in the level of the black market and trade that goes on in these areas between the warring factions or through their lines. Thus, for example, the Tuzla area, which has over one million inhabitants, including some 20,000 Serbs and 30,000 Croats, has suffered little bombardment from the Serb forces which surround it entirely. That city has a flourishing black market to which goods arrive from Serbia through Serbian lines. Another example is the Bihać pocket which, until summer 1994, was ruled by Fikret Abdić who broke with the Sarajevo government. He operated a private company that brought goods from Croatia (which borders Bihać on one side) into the pocket, and also traded with the Serb forces which encircled the pocket from three directions. This cozy relationship resulted in Abdić's signing in Belgrade in April 1993 a separate peace with the Bosnian Serb Republic. This situation that changed when the Fifth Army Corps of BiH recaptured the area in August 1994. Since then, the area has been the scene of intense fighting between BiH forces and the BSA, which also has support from the SKA in nearby Croatia. These are only illustrations of the peculiarities of this conflict.

17. The military structure, strategies and tactics of the "warring factions" are a consequence of the following factors:

(a) World War II antecedents, as well as experiences in that partisan war which led to the doctrine of Total National Defence (TND). TND includes the placing of weapon caches with local territorial defence units, decentralization of forces and command control, reliance on local forces, and other characterizations, which partake of a combination of guerilla and conventional warfare;

(b) Political factors leading to the different stages of the JNA; and,

(c) The gradual evolution of the conflict which took place between multiple parties, at different times, and in separate, though frequently related, theatres of operation.

18. The TND was part of Yugoslav political-military doctrine. Thus, TND and the type of Army and Party structures that existed in Communist Yugoslavia constitute a political-military context which has had significant impact on the goals, strategies and tactics employed by the JNA and the forces that emerged out of the JNA in Serb Bosnia and Krajina. This context and, in particular, the political factors that led to the conflicts in Slovenia, Croatia, and BiH, are crucial to an understanding of what occurred.

19. When the three Republics of Slovenia, Croatia, and BiH declared their independence, 5/ they did not have separate armies. Before 1991, the JNA was a single army for all members of the former Yugoslavia, though its military centrality changed since 1974. Upon the successive declarations of independence of these three republics, some of the military personnel, who had been located in each of these Republics, left the JNA and reconstituted themselves as part of the newly created national armies of Slovenia, Croatia, and BiH. 6/ In addition, each of the "warring factions" used paramilitary and special forces as described in Annex III.A. The armies of the "warring factions" consisted mainly of military personnel and equipment of the former JNA. But each of these Republics had local TDF 7/ which were part of the TND of Yugoslavia, and local police forces consisting of personnel from their respective Republics. These forces and armed civilians supplemented the armies of the "warring factions".

20. The role performed by the military in the breakup of the former Yugoslavia was critical to the evolution of this conflict, as stated by James Gow, a Research Fellow at the Centre for Defence Studies, King's College, University of London:

> "[t]he role played by the military in the breakup of the former Yugoslavia was central: it made the difference between widespread unrest and war. By September 1991 the military had decided to create a new Yugoslav state from parts of Croatia and Bosnia and Herzegovina, which would be "cleansed" of "unreliable" and potentially hostile inhabitants. At that stage, as the Belgrade military intensified its activity in Croatia, it also appears to have begun preparations for a war to divide Bosnia and Herzegovina. That war was launched in the period preceding international recognition of the Bosnian state, with a series of attacks at crucial points in the country. In the face of international pressure, the Yugoslav military divided, with half of its capability remaining in Bosnia as the Bosnian Serb army. This force proceeded to occupy and "cleanse" large parts of Bosnia and Herzegovina." 8/

21. Since the conflict began, however, there has been considerable continuity in the structure, strategy, and tactics of the military forces in the former Yugoslavia. The distinctive changes since 1993 are that the "warring factions" increased centralized command of their respective army structures; established control over paramilitary and special forces by integrating them into the army or disbanding them; and enhanced military professionalism. The result, as of middle-to-late 1993, is that more combatants are in uniform, who operate as part of regular army units, and under the command of superior officers. It is therefore important to distinguish between the situation that existed between approximately June 1991 and late 1993, and the ensuing period, bearing in mind that the process of transformation has been gradual.

22. The earlier part of the conflict was characterized by a multiplicity of combatant forces (for example, regular armies, militias, special forces, police and armed civilians) operating within different structures or outside any structure, sometimes operating under no established command and control. Some of these forces operated without uniforms, emblems or insignias. Frequently, these forces merged or combined in connection with certain operations. Probably the only factor common to all of these forces is their receipt of military equipment, ammunition and supplies from their respective armies and governments, and in the case of Bosnian and Krajina Serbs, their reliance on the JNA and the FRY.

23. The military structure and the strategies and tactics employed blur the chain of command and conceal responsibility. This concealment may well be intended by some of the parties to provide a shield of plausible deniability to the military and political leaders. But it could also have been the result of a chaotic situation which regular armies in the process of constituting or reconstituting themselves could not control until they had reached a sufficient level of organization. This occurred later in the conflict, but after most of the violations had occurred.

24. These factors, however, contributed to the manner in which the policy of "ethnic cleansing" was implemented, particularly by Serb forces, who were unrestrained by the JNA, from which they received support. 9/

25. The overall conflict in the former Yugoslavia evolved through three distinct phases. The military structure must be examined in the contexts of the three succeeding and sometimes overlapping conflicts which took place during these three phases, as described below.

26. The first phase involved the conflict in Slovenia. It began when that Republic declared its independence from the former Yugoslavia on 25 June 1991. That conflict involved the JNA, Slovenia's TDF, Slovenian troops who left the JNA to join the newly created Slovenian Army, and local Slovenian Police. This phase lasted for only 10 days in June and July 1991, and resulted in limited human and property harm. 10/

27. The second phase of the conflict involved Croatia. It started before that Republic officially declared its independence on 25 July 1991. On one side, that conflict involved the JNA, Serb militia in Krajina and in eastern and western Slavonia, special forces from Serbia (with the participation of Serb expatriates and some mercenaries), local special forces, and Serb police and armed civilians from the same areas. On the other side, the newly-formed Croatian Army consisted of Croatian troops who left the JNA, the Croatian National Guard (ZNG), local militia, special forces (with the participation of expatriate Croats and some mercenaries), and local Croatian police and armed civilians. After November 1991, the JNA formally withdrew from Croatia, but continued to support the army of the newly-formed, self-proclaimed "Serb Republic of Krajina". Meanwhile, the newly-established Republic of Croatia had formed its army, the Croatian Army (HV), which, along with Croatian special forces and others, continued the armed conflict in what became the United Nations Protected Areas (UNPAs) in Croatia. 11/

28. The third phase of the conflict began in BiH, following its declaration of independence on 6 March 1992. It involved simultaneous fighting between Croatians and Bosnian government forces, Bosnian government forces and Serbian forces, and Croatian and Serbian forces. The Croatian Defence Council forces in BiH (HVO) were supported by the Croatian Army, local Croatian police, volunteer civilians and special forces like the HOS, the military wing of the Croatian party of Rights (named after the former Ustaše of the Second World War, who also fought against the Serbs in the Krajina area). The HOS was

later partially incorporated in the HVO and disbanded. Other Croatian armed civilian forces operate essentially in local areas. At first, the Bosnian government and JNA opposed each other. This lasted from April to June 1992, during which time the JNA troops from Serbia and Montenegro "officially" withdrew from BiH, leaving behind Serbian JNA troops from BiH and their equipment. They were supplemented by special forces from Serbia which consisted of Serbs, expatriate volunteers and mercenaries, Bosnian Serb militia and police, and local Serb volunteers. 12/

29. As described above, in addition to the regular armies of JNA, Croatia and BiH, there are three additional armies: the Bosnian Serb Army (BSA), which operates in Bosnia; the Krajina Serb Army (SKA), which operates in Croatia; and the Croatian Defence Council (HVO), which operates outside the border of the Republic of Croatia, in BiH. The first two are armed and supported by the JNA (the Yugoslav Army or JA) and the third is armed and supported by the Croatian Army (HV).

30. In addition to these armies, the TDF were militarily active. In Croatia, TDFs were known as the Croatian National Guard (ZNG). The TDFs had a separate command structure from the regular army. Nevertheless, they joined in the armed conflict, frequently operating with their respective regular army and under regular army officers' command. They also operate independently in certain geographic areas, usually the areas from which most of the personnel in these units came.

31. Two other types of paramilitary groups and formations are also engaged in military operations. They consist of the so-called special forces, and local police forces augmented by local armed civilians. All the warring factions make use of such forces among their combatants, but the lines of authority and the structure of command and control are confusing, even to the combatants. (See Annex III.A, Special Forces).

32. There are several reported paramilitary and special forces, (see Annex III.A), which usually operate under the command of a named individual and apparently with substantial autonomy, except when they are integrated into the regular army's plan of action. 13/ These forces are supplied and often trained by the governments that they serve. Many special forces answer only to senior political officials in the respective governments. Such relationships are frequently based on personal political allegiance and are not always publicly known. However, in time, information about the political sponsorship and support of these groups became more readily available though still nebulous. As these units usually operate independently and outside the apparent military chain of command, their order of battle is not known. Notwithstanding the strong links between these units and the respective armies, the regular armies failed to restrain them from the commission of grave breaches of the Geneva Conventions and other violations of international humanitarian law. Among the most notorious of the special forces are Arkan's "Tigers" and Šešelj's "White Eagles" (also referred to as "Četniks"). Many of these units operate throughout the territory of the former Yugoslavia. Thus, the Serbian units operate in BiH and Croatia, and the Croatian units in BiH. These special forces have committed some of the worst violations of international humanitarian law. They are described in Annex IIIA.

33. Some towns and villages formed paramilitary units, which are not to be confused with the special forces mentioned above. These local forces operate in the areas of their towns and villages. Occasionally, they also lend support to similar groups and other combatants in the same opština (county) and neighbouring areas. Their command and control is local, and the chain of command difficult to establish, though these groups, like the special forces, typically have an identifiable leader. Frequently, the unit or group is

called by the leader's name. Otherwise, the unit or group uses a politically significant name or the name of their town, village or area. The leadership of these groups is local, mostly consisting of political figures. These units, particularly among Serbs in BiH and Krajina and Croats in Krajina and BiH, have, like the special forces, committed grave breaches of the Geneva Conventions and other serious violations of international humanitarian law.

34. The police, augmented by volunteer armed civilians, also participate in military activities. These forces operate within a given municipality. They are nominally under the control of the Ministry of Interior. Furthermore, the respective Ministries of Interior also have national and regional police units, which usually operate outside the boundaries of local municipalities. The relationship between national, regional and local police is not always clear and varies in each country, and sometimes within the regions of each country. During the early stages of the conflicts in Croatia and in BiH, the police, augmented by volunteer armed civilians, operated without apparent command and control from the army. Their leadership was local and included many political figures. These forces acted with apparent autonomy in their respective areas, except when engaged in operations with their respective regular army.

35. During the early stages of the conflict, most of the combatants, including in many cases those in the regular army, did not wear distinctive uniforms, emblems or insignias of rank. As a result, officers freely moved from army to militia and from one unit to another. To further complicate matters, in the early stages of the conflict between Croatia and the FRY and other Serb forces within Croatia, and between BiH and the FRY and other forces within BiH (in May 1992, JNA forces from the FRY officially withdrew from Bosnia), the order of battle of many army and militia units was not clearly established. The chain of command was significantly blurred, even to insiders. Consequently, the organizations' command and control structures were seriously eroded, which resulted in much confusion. The confusion was more pronounced in BiH among Serb combatants until late 1992. It seems to have been purposely kept that way for essentially political reasons. This makes it difficult to ascertain units in a specific area and to establish command responsibility. The situation changed as the three regular armies managed or decided to control these combatants as of 1993. But that process was slow.

36. The outcome of such a structure and the strategies and tactics employed blur the chain of command and help conceal responsibility. This concealment may well be intended by some of the parties to provide a shield of plausible deniability. But, it could also be due to other factors existing at the early stages of the conflict, as stated by one expert:

> "[t]here is a great deal of genuine confusion in the West as who actually controls the Serbian forces in BiH. To make the situation even more complicated, the regime in Belgrade consistently tries to do its best to muddle the issue by denying its own responsibility for war in the neighbouring republic. For example, the President of the self-proclaimed FRY, Mr. Dobrica Cosic (who is also Supreme Commander of the Federal Army) falsely asserted on 15 July that the army does not provide any weapons and military equipment to the former 'territorial Defense Forces of the Serbian Republic of BiH, except for some limited humanitarian aid'. Moreover, it does not command and control these forces. But the reality is quite different. The operational chain of command in the federal army runs from the Supreme Defense Council (composed of the president of the FRY and presidents of the Republics of Serbia and Montenegro through the General Staff in Belgrade to the commanders of 1st MD (Belgrade), 4th MD (Podgorica), the Army of the

> Serbian Republic of BiH, Naval District (Kumbor, Bay of Cattaro), Air Force and Air Defense units." 14/

37. Special forces are apparently accountable only to senior political officials of the governments which they serve. Little is known about their order of battle except that restraint of these units by the regular army is conspicuously absent. Command and control, in effect, have been established through a policy of omission. The JNA, in particular, has at least tacitly permitted paramilitary units and special forces to engage in conduct that has resulted in grave breaches of the Geneva Conventions and other violations of international humanitarian law. In many instances, the JNA was on the scene and militarily supported these activities and these violations. A purposeful failure to act was therefore evident in many cases.

38. As stated earlier, paramilitary units and special forces have performed an important role in the conflict. In the early stages of the war in BiH, for example, paramilitary units coordinated their operations with the JNA. This was apparent in the attacks on Prijedor, Bijeljina, and Zvornik, as well as in other attacks in cities and villages along the Drina and Sava Rivers. The role that paramilitary and special forces have played in the conflict is explored in greater detail in Annex III.A.

39. A large number of Serbian and Croatian expatriates have joined in the fighting, mostly with paramilitary and special forces. There are also a smaller number of non-nationals, volunteers, and a few that could be called mercenaries also joining in the fighting. In contrast, a much smaller number of expatriates and non-nationals joined on the BiH side. (See Annex III.A, Special Forces)

40. All of the combatant forces, in significantly different degrees, have committed grave breaches of the Geneva Conventions and other violations of international humanitarian law for which military and, in some cases, civilian commanders are responsible under the principle of command responsibility. The largest number of these violations were clearly perpetrated by Serb combatants, and the largest number of victims have been from BiH.

41. The absence of command and control and the conditions created, particularly on the Serb side, were conducive to large scale and repeated violations. Persons who engaged in this conduct were encouraged by propagandistic rhetoric and comforted by the belief that they would have impunity. The absence of preventive action by military commanders and other purposeful omissions, such as the failure to punish known perpetrators, constitutes a clear basis for command responsibility.

42. The history of war clearly reveals that professional armies that are under effective command and control commit fewer violations than fighting units that are not properly trained in the law of armed conflict and are not under the effective command and control of superior officers. But when military commanders order violations, permit them to happen, fail to take measures to prevent them, and fail to discipline, prosecute and punish violators, then the worst can be expected. Unfortunately, in this conflict, the worst did occur. This is a sad commentary on those who committed these crimes, but it is an even sadder one concerning the military and political leaders who ordered these acts or made them possible. War is sufficiently inhuman without having it carried out in the most inhuman ways. Tragically, in this case, these inhuman ways were designed to serve a political purpose. See the Policy of Ethnic Cleansing Annex IV.

43. The grave breaches of the Geneva Conventions and other violations of international humanitarian law occurring in this conflict are, in part, the

product of the military structure that resulted in a lack of effective command and control. The violations are also the result of the strategies and tactics employed by the "warring factions", and the failure of military commanders to prevent and repress these violations.

44. The parties to this conflict are bound by the four Geneva Conventions of 12 August 1949 and Additional Protocols I and II, both under State succession and by the parties' specific accession thereto. 15/ The parties are also bound by the Genocide Convention under State succession, in so far as that convention has been ratified by the former FRY. The parties are also bound by that Convention under jus cogens and customary international law. The parties are also bound under jus cogens and customary international law by the obligations arising under "crimes against humanity", as developed in conventional and customary international law. 16/

45. The Federal Criminal Code of the former Yugoslavia embodied the international rules of armed conflict. JNA military personnel were instructed accordingly. Thus, grave breaches of the Geneva Conventions and other violations of international humanitarian law are also part of the applicable national laws of all warring factions.

46. Furthermore, the ordinary criminal laws which existed in the criminal codes of all the former Republics of Yugoslavia also prohibited those acts (which are grave breaches of the Geneva Convention and other violations of international humanitarian law) as common crimes.

47. Lastly, the defence of "obedience to superior orders", finds no application in the cases of violations which occurred in this conflict.

48. The doctrine of "Command Responsibility" and the defence of "obedience of superior orders" are discussed in the Final Report, ¶ 55-62.

ANNEX III.A - SPECIAL FORCES

49. Annex III.A was prepared by staff members of IHRLI, under the direction of Chairman Bassiouni. It consists of 251 pages of text.

I. INTRODUCTION

50. The conflict in the former Yugoslavia has seen the widespread use of paramilitary organizations within the territories of the Republic of Bosnia and Herzegovina (BiH), the Republic of Croatia, and to a lesser extent, the Federal Republic of Yugoslavia (FRY). The use of paramilitary organizations by all "warring factions" must be viewed in the context of the breakup of Yugoslavia and the structure of the military before the breakup. 17/ In the period of 1989-1991, political ferment indicated that a breakup of Yugoslavia was likely, however, there were no indications on how the country would be divided. The rise of nationalism and ethnic tension caused Yugoslavs to become concerned for their own safety. This concern over their own self-defence, combined with the rhetoric of nationalist politicians, led many Yugoslavs to arm themselves. Furthermore, uncertainty of the Yugoslav National Army's (JNA) role in post-Communist Yugoslavia led many to conclude that paramilitary organizations were a necessity.

51. The creation of paramilitary groups was further fueled by the wide circulation of stories of atrocities committed by all sides. Serbs, for example, were shown pictures allegedly depicting the Mujahedin forces holding the severed heads of Serb soldiers. All sides viewed themselves as victims,

not as perpetrators, thereby creating a desire for revenge and providing justification for their own deeds.

52. Paramilitary organizations exist in several forms. Some are highly-organized groups and operate in several theatres in conjunction with regular military formations. Others are loosely organized and act alone in a single village or on an ad hoc basis. Some of the groups preceded the conflict, others followed it. Still others were formed as the need arose during the conflict. These groups have been organized by the governments or militaries of the warring factions, by political parties, as well as by local police, political, military or community leaders. The members of these paramilitary organizations have been drawn from the regular army, Territorial Defence forces, local militia and police, local civilians, expatriots, and foreign nationals. According to some reports, the paramilitary organizations also include criminals released from prison solely for the purpose of forming these units.

53. For purposes of this report, the paramilitary forces operating in the territory of the former Yugoslavia can be classified into four categories: Special Forces, "Militias", "Paramilitary units", and "police augmented by armed civilians". 18/ Special Forces usually operate with substantial autonomy under the command of an identified leader. They operate in several theatres, and sometimes engage in joint operations with the regular militaries. These groups are supplied, and often trained, by the governments they serve. Many of these Special Forces report solely to senior political officials. "Militias" consist of members of the former Territorial Defence Forces. They frequently operate jointly, in the geographic area from which they originate under the command of the regular army. "Paramilitary units" are forces under the command of a local leader. Their area of operation is often confined to the town or village from which the members were drawn, although they may occasionally operate alongside similar groups in other towns or villages. The "police augmented by armed civilians" are forces that operate within a given county 19/ under local, sometimes political, leadership. These forces frequently act with autonomy, although they are reported to be under the control of the Ministry of Interior or other political organizations. For purposes of this report, groups from these categories will be referred to generically as paramilitary groups, unless otherwise indicated.

54. This report attempts to identify the paramilitary organizations working in support of all three warring factions in the former Yugoslavia. It also discusses how these groups operate in relation to the regular military command of the respective factions. Furthermore, this report discusses the reported activity of these groups.

55. This report begins with a discussion of the research methodology, and is followed by a brief discussion of the pre-conflict military defence doctrine of the former Yugoslavia. This doctrine, with its reliance on a decentralized command structure and locally-based weapons caches, provided fertile ground for the creation of paramilitary groups. This discussion is followed by a summary analysis of the data. Section II discusses the activity of six of the most prolific paramilitary organizations: the Green Berets and Mujahedin, working in support of the government of BiH; the HOS and troops under the command of Jusuf Prazina, working in support of the Croatian government; and those groups under the command of Vojislav Šešelj and Željko Ražnjatović (nom de guerre Arkan), working in support of the government of Serbia and the self-declared Serb Republics. Section III is a listing of the other identified paramilitary organizations containing all reported vital statistics, and Section IV discusses paramilitary activity by geographic location.

A. Methodology

56. This report is based on information contained in documents and audio and video tapes received by the Commission of Experts and the International Human Rights Law Institute (IHRLI), as well as on information gathered from searches of the NEXIS and FBIS media databases. All of the organizations referred to in paragraph 4 operated in substitution for, or supplementing, a regular military force. 20/ All documents and media reports in the possession of IHRLI were reviewed, and those containing allegations of paramilitary activity were analysed. A large number of these reports referred to paramilitary groups generically (i.e., Serbian paramilitaries or irregular forces). Although these reports were consulted, only those reports referring to a paramilitary organization by name (i.e., Tigers, Yellow Ants), or by specific leaders or group members (i.e., paramilitary forces under Dragan Ikanović), are included in the statistical data below.

57. Information sheets were created for each identified paramilitary organization containing the following information: name of unit, ethnicity, uniform, number of troops, place of origin, area(s) of operation, political affiliation, leader(s), alleged members, source of information, and the alleged activity. These information sheets were then used to compare information on the paramilitary groups in a standardized format.

58. This report is limited by the quality and quantity of the documents received by the Commission. In addition, the Commission was not able to verify much of the information that it received. Consequently, this report should not be considered all inclusive, though it is comprehensive. Subsequent investigation may identify additional paramilitary groups and facts that have not yet been discovered that may bear upon the information contained in this report.

B. Brief military history 21/

59. Stalin's expulsion of Yugoslavia from the Cominform led to fears of a Soviet invasion. These fears resulted in the development of a new military defence doctrine in the former Yugoslavia called "Total National Defence". 22/ This doctrine was designed to defeat a Soviet invasion by mobilizing all of the nation's cultural, societal, and military resources. The Communist party apparatus was tightly integrated into the military scheme, with the military structures accommodating a "shadow" chain of command responsible to the Communist party.

60. Yugoslav military strategists realized national command, control, and communications facilities were vulnerable. Therefore, they decentralized the system of command and control. The governments of the various republics would participate with the federal government for regional defence.

61. This strategy required universal military service and coordinated training in guerilla warfare. This ensured that cadres of soldiers, trained in guerrilla warfare, would be available nationwide and capable of operating in a decentralized command fashion. Training facilities, weapons caches, and supply stores were placed throughout the country. The military also organized reserve units (Territorial Defence Forces) around workplaces to ensure the wide distribution of weapons.

62. Thus, with the breakup of the former Yugoslavia, trained soldiers were available for mobilization, and weapons and ammunition were also available for distribution to national and local political or military leaders and their followers. These leaders sometimes used these resources to further their own

political, military, or personal goals. This, along with the other factors, led to the proliferation of paramilitaries throughout the republics of the former Yugoslavia.

C. Summary analysis

63. This study found that:

(a) There are at least 83 identified paramilitary groups operating in the territories of the former Yugoslavia: 56 are working in support of FRY and the self-declared Serbian Republics; 23/ 13 are working in support of the Republic of Croatia; and 14 are working in support of BiH;

(b) The number of paramilitary groups, and the size of each group, has varied throughout the course of the conflict. The number and size of the groups rise, for example, when the conflict intensifies. The reports received indicate only a rough approximation of paramilitary troop strength. The number of persons in paramilitary groups fighting in support of BiH range from 4,000 to 6,000; between 12,000 and 20,000 have supported the Republic of Croatia; and between 20,000 and 40,000 paramilitaries have fought on behalf of the self-declared Serb Republics; 24/

(c) In addition to the 83 paramilitary groups, there are groups which consist of persons who have been drawn essentially from outside the former Yugoslavia. Three groups specifically mentioned are the Mujahedin (operating with the BiH Army), the Garibaldi Unit (an Italian unit operating alongside the Croats), and Russian Mercenaries (operating in conjunction with the Serbs). There are also general reports of the presence of mercenaries from Denmark, Finland, Sweden, the United Kingdom, and the United States; 25/

(d) Paramilitary activity has been reported in 72 separate counties, 26/ but the vast majority has occurred in BiH. 27/

64. The first report of paramilitary activity occurred in April of 1991. However, Arkan and Vojislav Šešelj began forming paramilitary organizations as early as 1990. The first reported paramilitary operation involved Šešelj's troops in Vukovar County, Croatia. The most active period for Serb paramilitary activity in Croatia was in October of 1991. Those areas reporting the greatest amount of paramilitary activity in Croatia were Knin, Podravska Slatina, and Vukovar.

65. There were no reports of paramilitary activity in BiH until early 1992. The first reports concerned paramilitary groups supported by Arkan and Šešelj. The activity in BiH was strongest in May and June of 1992 in the areas of Bijeljina, Bratunac, Brčko, Doboj, Foča, Konjic, Modriča, Prijedor, Sarajevo, Višegrad, and Zvornik.

66. Paramilitary groups working in support of FRY, or the self-proclaimed Serbian Republics, have operated in the territories of BiH, Croatia, and FRY. Those groups working in support of Croatia were reported to have operated in both BiH and Croatia, while those supporting BiH have not been involved in operations outside BiH territory. 28/

67. The vast majority of the paramilitaries acted locally, with their operations confined to a single county, or opština. 29/ They operated under the command of a local leader with local command and control. These groups would often coordinate their operations with regular forces or other paramilitaries. 30/ The local groups would then take control of the area after it had been secured.

68. The most active paramilitary groups operating throughout the area of conflict were the Serb groups under the command of Arkan and Šešelj. 31/

69. Reliance on, or tolerance of, paramilitary and special forces served several purposes for the military and political leaders of the respective republics. It clouded the issue of command and control, reduced the chances of being identified, and therefore permitted the greater use of illegal violence. Many of these groups, for example, did not wear uniforms or other conventional military badges or symbols.

70. Involvement of paramilitary groups in the commission of grave breaches of the Geneva Conventions and other violations of international humanitarian law is alleged in the vast majority of the reports in which paramilitary groups are mentioned. The most frequently reported violations are the killing of civilians, torture, rape, destruction of property, and looting. 32/ There is also a strong correlation between reports of paramilitary activity and reports of rape and sexual assault, detention facilities, and mass graves. These types of activities (i.e., paramilitary activity and grave breaches of the Geneva Conventions) tended to occur in the same counties 33/ and evidence the localized nature of the activity.

71. FRY, Croatia, and BiH used paramilitary forces. However, the disproportionate number of paramilitary and special forces of Serbian ethnicity indicates that the Serbs more heavily relied on the use of special forces to accomplish their military and strategic goals. Of 39 counties where Serb paramilitary activity was reported, Serb paramilitary units were operating in conjunction with the JNA in 24 of them. In comparison there were reports for five counties of joint operations between forces operating in support of Croatia, the Croatian Army (HV), and the Croatian Defence Council (HVO), 34/ and reports for only two counties of joint operations between the Army of BiH and forces operating in support of the Government of BiH.

72. The JNA was operating with the highest paramilitary activity in eight counties simultaneously: Bijeljina, Bratunac, Brčko, Doboj, Prijedor, Sarajevo, Višegrad, and Zvornik. Excluding Sarajevo, these counties are within the strategic arc the Serbs need to link all Serbian populations from BiH and Croatia within a contiguous Serbian state.

73. There is substantial evidence that Serbian government or military officials have coordinated, or at least have been aware of, the activities of the Serbian paramilitary or special forces:

(a) Serbian paramilitary units operating in Croatia have worn federal army uniforms and used JNA topographical maps; 35/

(b) There are reports of Serbian paramilitary groups or special forces entering a county at the invitation of local political leaders. In Prijedor, a Bosnian Serb government spokesman explained their use of Arkan: "He is very expensive, but also very efficient";

(c) In 36 of the 67 counties in which there were reports of Serbian paramilitary activity, there was a coordination of operations between two or more groups. In comparison, only six of the 17 counties had reported paramilitary activity in support of Croatia and five of the 11 counties had reported paramilitary activity in support of BiH;

(d) Fifteen of the 55 identified groups operated in more than one county, again suggesting a coordination of activity, compared to five Croatian and four working in support of BiH in more than one county.

D. General observations

74. While paramilitary groups have links to their respective governments, the nature of these links vary according to which agency furnishes funds, supplies, and military equipment to the group. Thus, Arkan is said to have strong links to Serbia's Ministry of Interior. The HOS in Croatia have links to political figures in that country, and the Green Berets have links to the Presidency of BiH. Control of the paramilitary groups is largely a function of the internal politics of the warring factions.

75. Members of ethnic and religious groups, such as Serbs, Croats, and Bosnian Muslims residing outside of the territory of the former Yugoslavia, have participated in the conflict as mercenaries. Some members of these groups, as well as persons of other nationalities, have been paid by the "warring faction" which they supported. 36/

76. In most cases, paramilitary groups have coordinated their activities with the armies of the "warring factions". The groups that have operated with the most independence are the HOS in Croatia and the Mujahedin in BiH. The smaller the group, the greater the tendency to operate outside of the army's control.

77. In many counties, Serbian special forces supported the work of local "crisis committees" when local militia or local police were unavailable. This further evidences the localized nature of most paramilitary activity. In some respects, it also reflects the doctrines of guerilla warfare inspired by Tito's World War II experience.

78. In BiH, Serb paramilitary activity was at its greatest level in the second half of 1992. During this period, immediately after the JNA was officially withdrawn, there was disorganization and confusion within the regular armed forces of the Bosnian Serb Army. This led to a lack of command and control, and it was during this period that the greatest number of violations by Serb paramilitary groups occurred.

79. Serb paramilitary members have been recruited largely from the population of persons between the ages of 18 to 30. This population of young persons is more capable of violence and less susceptible to control than older age cohorts. Paramilitary members have also been recruited from prisons. It has been reported that persons convicted of violent offences were released to fight in BiH. The Army apparently had the first pick from among these offenders. The others served in paramilitary units.

80. Most of the paramilitary units sustained themselves through lootings, thefts, ransoms and trafficking in contraband. This is especially true of the groups associated with Arkan, as discussed below.

81. The largest number of violations were committed by Serb paramilitary groups fighting in BiH in support of the breakaway Serb Republic. This can be explained, in part, by the following: There are more Serb paramilitary groups than those fighting on behalf of the other warring factions; Serb paramilitary groups have more members than the other groups; Serb paramilitary groups have operated over a wider range of territory, thus they have been in contact with a larger number of potential victims; and the Serbs have pushed a policy of "ethnic cleansing" on a wider scale than the other groups.

ANNEX IV - THE POLICY OF ETHNIC CLEANSING

82. Annex IV was prepared by staff members of IHRLI, under the direction of Chairman Bassiouni. It consists of 88 pages of text.

I. INTRODUCTION

83. Part I of the following Annex briefly describes the historical antecedents to the current conflict in the former Yugoslavia. Part II describes the development of the policy of "ethnic cleansing" and the early stages of its implementation in Bosnia and Herzegovina (BiH). Part III focuses upon one "ethnic cleansing" campaign in the Bosnian city of Zvornik and describes the military attack on and expulsion of the Muslim population of the city.

84. As used in this report, "ethnic cleansing" means rendering an area ethnically homogenous by using force or intimidation to remove from a given area persons from another ethnic or religious group.

85. All parties involved in the conflict have committed "grave breaches" of the Geneva Conventions and other violations of international humanitarian law. These violations include the killing of civilians, rape torture, and the deliberate destruction of civilian property, including cultural and religious property, such as churches and mosques. But, there are significant qualitative differences. Most of the violations were committed by Serbs against Bosnian Muslims. The second largest group of victims were Croats, whose perpetrators have been Serbs from Serbia, BiH, and the Krajinas. Both Bosnian Muslims and Catholic Croats have also victimized Serbs in BiH and Croatia, but in lesser number. The policy of "ethnic cleansing", however, has been systematically carried out by Serbs in BiH and Croatia against their opponents, though Croats have also carried out similar policies, but on a more restricted scale, against Serbs in Croatia and Muslims in Herzegovina. Forceful population removal by BiH of Serbs has also occurred in some limited areas, but not as a policy. In fact, BiH occupied areas contain both Croats and Serbs, while Bosnian Serb areas have been cleansed of all but Serbs. The Krajinas in Croatia also have been cleansed of Croats, while eastern and western Slavonia (Croatia) have been cleansed of Serbs.

86. Croatian forces in the Republic of Croatia and BiH have engaged in "ethnic cleansing" practices against Serbs and Muslims. Croats, for example, have conducted "ethnic cleansing" campaigns against Serbs in eastern and western Slavonia and in parts of the Krajina region, as well as against Muslims in the Mostar area. While Bosnian Muslim forces have engaged in practices that constitute "grave breaches" of the Geneva Conventions and other violations of international humanitarian law, they have not engaged in "ethnic cleansing" operations. The vast majority of reports alleging "ethnic cleansing" operations involved Serbian forces who have used means, such as the mass killing of civilians, torture, sexual assault, the bombardment of cities, the destruction of mosques and churches, and other practices to eliminate Muslim and Croat populations that lie within Serb-claimed territory.

87. "Ethnic cleansing" by Serb forces has been systematic and apparently well-planned. As early as mid-1990, the Yugoslav Army (JNA) began to arm and supply local Serb forces in BiH. The "ethnic cleansing" campaigns in the early stages of the conflict involved coordinated attacks by JNA and paramilitary forces that sometimes operated from the Republic of Serbia. As the war and "ethnic cleansing" continued, the Federal Republic of Yugoslavia (FRY) persisted in supplying logistical support, arms, fuel, and other supplies to Serb forces in Croatia and BiH. "Ethnic cleansing" has involved

means, such as the mass killing of civilians, sexual assault, the bombardment of cities, the destruction of mosques and churches, the confiscation of property and similar measures to eliminate, or dramatically reduce, Muslim and Croat populations that lie within Serb held territory.

88. According to the Special Rapporteur of the UN Commission on Human Rights, by late 1993, over 2.1 million people had been displaced from their homes since the conflict in the BiH region. 37/

II. EARLY HISTORY

89. The Slavic people migrated from the caucuses to the Balkan peninsula between the Sixth and the Eighth Century. Between the Ninth and Twelfth Centuries, Croats, Bosnians, and Serbs developed distinct historical and cultural identities.

90. The division of the Christian Church in 1054 reinforced the fault line that earlier divided the Roman Empire. 38/ On the eastern side of the line lie the cultural heritage of the Greek world, the Eastern Orthodox Church and users of the Cyrillic script. On the western side lie the Roman Catholic Church.

91. In the 17th Century the Ottoman Turks encroached on the Balkan peninsula and defeated Serb, Bosnian, and Albanian forces at the Battle of Kosovo Polje (Field of Blackbirds) in June 1389. The event was to become of particular historical significance to the Serbs and is commemorated as the symbolic end to the independent Serbian medieval kingdom. 39/

92. Members of the Bosnian Church, which was distinct from the Roman Catholic and Eastern Orthodox Churches, converted to Islam during this period. These conversions were in part due to the promise of better conditions by Turkish rulers.

93. In the 17th Century, the Ottoman and Hapsburg empires clashed and the Treaty of Karlowitz transferred some Ottoman lands to Christian powers in 1699. The entry of the European powers into the region further accentuated the divisions that had occurred earlier. Croats and Slovenes were firmly part of the west, embracing Catholicism and looking towards the western powers for leadership. The Serbs and Bosnians remained within the Ottoman Empire. For the Serbs, Russia became a growing influence, and as Ottoman power in the region waned Russia assumed the rule of protector of all Orthodox Christians in the Balkans.

94. Independence movements appeared in Serbia in the early 19th Century and by 1830, Serbia had achieved autonomous status within the Ottoman Empire. Strong nationalist sentiments continued to grow throughout the 19th Century. Serbs increasingly viewed their mission as one of liberating and unifying the lands in which Serbs lived. It was during this period that the idea of a "Greater Serbia" first emerged.

III. THE BALKAN WARS AND THE WORLD WARS

95. Two Balkan wars were fought in 1912 and 1913, finally freeing the peninsula from Ottoman control. 40/ Serbia made territorial gains by absorbing Kosovo and part of Macedonia. However, Serbia did not achieve its objective of uniting with Serbian regions of the Hapsburg Empire, including sections of Bosnia-Herzegovina, Croatia, and Vojvodina. 41/ The two Balkan wars experienced ethnic conflict on a massive scale. The worst

atrocities appear to have been related to efforts to unite the peninsula's Serbian population. In 1914, an International Commission found:

> "[h]ouses and whole villages reduced to ashes, unarmed and innocent populations massacred en masse, incredible acts of violence, pillage and brutality of every kind--such were the means which were employed by the Serbo-Montenegrin soldiery, with a view to the entire transformation of the ethnic character of [these] regions." 42/

96. Serb nationalists, incensed by the Hapsburg annexations of Bosnia-Herzegovina in 1908, assassinated Archduke Franz Ferdinand in 1914. The event, on the anniversary of the Battle of Kosovo, sparked the first World War.

97. Following the First World War, unity was finally achieved when King Alexander of Serbia proclaimed the Kingdom of Serbs, Croats and Slovenes. The new state, however, was plagued by ethnic conflict from its inception. Croats, fearing Serbian domination, sought greater self-government within a looser confederation. It was during this period that the Croatian Ustaša (Uprising) movement was born. Its goal was Croatian independence, through violence if necessary.

98. Yugoslavia surrendered to the Axis powers in 1941, leading to German and Italian occupation of the country. In Serbia, the Germans installed a regime headed by Serbian General Milan Nedić. During the war, the Croatian leadership launched a campaign of annihilation against its Serbian population. Some Muslims joined the Croats' efforts against the Serbs, though many have fought alongside the Ustaše regime and against the Germans and the Italians. Pavelić sought to create an ethnically and religiously homogenous state. The Serbs of Croatia were faced with the alternatives of extermination, expulsion, or conversion to Catholicism. Serb officials maintain that a system of death camps, covering 210 square miles, ran along the Sava River. It has been estimated that between 350,000 and 750,000 Serbs were killed during this period.

99. In October 1944, Tito's partisans, with Soviet assistance, took Belgrade and a communist regime was established. A federal system was constructed, consisting of six Republics: Serbia, Croatia, Slovenia, Bosnia-Herzegovina, Macedonia and Montenegro. Serbia included two autonomous provinces, each containing a high concentration of an ethnic minority: Kosovo and Vojvodina. Ethnic tensions persisted in the post war years. Tito, however, effectively repressed ethnic and nationalist movements, such as the Croatian reformist movement of the early 1970s.

IV. PRELUDE TO THE BREAKUP

100. After Tito's death in 1980, a resurgent Serbian nationalism was led by Slobodan Milošević. To achieve, and later to consolidate his power, Milošević organized massive demonstrations in support of Serbs living in the province of Kosovo, which had a predominantly ethnic Albanian population. When disturbances broke out in Kosovo in 1989, Milošević imposed martial law.

101. Within the Republic of Serbia, the tenor of political life became increasingly strident. Faced with a disintegrating nation-state, Milošević denounced his domestic political opponents as "enemies of Serbia". 43/ His opponents in the other Republics were compared to vampires and fascists. 44/

102. In February 1989, the Serbian Republican Assembly amended its

constitution and revoked the autonomous status of Kosovo and Vojvodina. This display of Serbian nationalism, coupled with the use of force in Kosovo, generated apprehension within the other Republics. The resulting tension between the six Republics led to the breakup of the League of Communists in early 1990. In January of that year Slovenian delegates to the Extraordinary Congress of the League of Communists demanded an end to the Communist party's "leading role" and the establishment of a multi-party state. Clashing with the Serbian delegates, the Slovenians walked out of the Congress.

V. THE CURRENT CONFLICT

103. The present conflict emerged in early 1990 when Serbia and three of the other five republics failed to reach an agreement concerning the structure of the federal government. The Republics of Slovenia, Croatia and Bosnia and Herzegovina (BiH) sought a loose confederation in order to exercise greater autonomy. Serbia, on the other hand, wanted a more centralized federation in order to maintain its dominant role. This conflict resulted in efforts by Croatia, Slovenia, and later BiH and Macedonia, to secede from Yugoslavia.

104. Slovenia and Croatia declared their independence on 25 June 1991, Two days later, the Yugoslav Peoples Army (JNA) attacked the provisional militia. The war in Slovenia lasted only 10 days, but it soon spread to Croatia , where the conflict would be more protracted and bloodier.

105. In response to the Croatian vote for independence, Serbs living in Croatia's Krajina region established a Serbian National Council and scheduled an August referendum on their secession from Croatia. Breakaway republics were also established by the Serbs in BiH. These breakaway republics received small arms, artillery, missile launching systems and other support from their supporters in Serbia. In addition, Croats living in BiH established the Croatian Republic of Herzeg-Bosna, and they received arms and other assistance from supporters in Croatia. 45/

106. The JNA, according to numerous reports, was involved in the conflict in Croatia from its inception. When the Serbs of Croatia's Krajina region declared their independence, there was a massive transfer of heavy weapons from the JNA to Serb paramilitary forces. In addition, there was an influx of supplies from Serbia itself. Serb paramilitary units operating in Croatia have worn federal army uniforms and used JNA topographical maps. They also were able to obtain a large number of sophisticated weapons and vehicles. 46/

107. Coordination between the JNA and local Serb forces was apparent in the destruction of Vukovar in 1991. A mass grave found at Ovcara is thought to contain the remains of at least 200 Croats who had been taken from a Vukovar hospital, summarily executed, and buried in a shallow grave.

108. In April 1992, when the conflict in BiH broke out, the JNA had approximately 80,000 troops deployed there. In early May, General Ratko Mladić was appointed JNA commander. Under pressure from the international community, on 19 May 1992, the FRY announced that it was withdrawing its forces. However, Yugoslav officials said that JNA personnel from BiH could remain there and fight on behalf of the Bosnian Serbs (see Annex III, Military Structure).

109. In the weeks following BiH's recognition by the European Community, JNA and Bosnian Serb forces attacked Bosnian towns such as Prijedor and other villages in the Kozarac region of north-east BiH, and Zvornik in north-west BiH. Similar attacks have occurred in many cities and villages along the

Drina and Sava Rivers. These areas of BiH have high concentrations of Bosnian Serbs. The purpose of the attacks seems clear: Serb forces have sought to consolidate their control over these territories and link them with each other, as well as with Serb-controlled areas of Croatia.

VI. THE "ETHNIC CLEANSING" CAMPAIGN IN BiH

110. Although "ethnic cleansing" occurred to some extent in the conflict in Croatia, it was in BiH that a distinct pattern of "ethnic cleansing" could be discerned. First, Bosnian Serb paramilitary forces, often with the assistance of the JNA, seize control of the area. In many cases, Serbian residents are told to leave the area before the violence begins. The homes of non-Serb residents are targeted for destruction and cultural and religious monuments, especially churches and mosques, are destroyed. Second, the area falls under the control of paramilitary forces who terrorize the non-Serb residents with random killings, rapes and looting. Third, the seized area is administered by local Serb authorities, often in conjunction with paramilitary groups. During this phase, non-Serb residents are detained, beaten and sometimes transferred to prison camps where further abuse, including mass killings, have occurred. Non-Serb residents are often fired from their jobs and their property is confiscated. Many have been forced to sign documents relinquishing their rights to their homes before being deported to other areas of the country.

111. According to one military expert of Jane's Information Group:

> "[the Commander of the Bosnian Serb military forces] has a clear military aim: the consolidation of Serb-held territory of Bosnia; the eradication of Muslim enclaves within them, such as Goražde, and the severance of any possible military link between Muslims in Bosnia and those in the Sanzak area of Serbia." 47/

112. The policy of "ethnic cleansing" has been implemented consistently throughout an area incorporating an arc that ranges from north-eastern BiH through the regions of eastern and western BiH, adjacent to the Serb Krajina area of Croatia.

113. The Serbs "ethnic cleansing" campaign was shaped by several factors. First, the demographics of the region ensured that any attempt to establish "ethnically pure" areas would entail tremendous dislocations. In BiH, the pre-war population was approximately 40 per cent Muslim, 32 per cent Serb, and 18 per cent Croat. 48/ The areas of Serb preponderance are primarily located in the north-east, south-east and north-west portions of the country. However, these areas are neither homogenous nor contiguous. The areas in which Serbs are numerically dominant include substantial populations of Muslims and Croats.

114. Populations can be removed, even forcibly removed, without extreme bloodshed. Ethnic minorities could have been ejected from their homes, gathered at a central locations, and transported to another region. This, however, would have required a strong and well-organized regular army. The Bosnian Serb Army was neither numerically strong enough, nor sufficiently well-organized, especially in the first stages of the conflict in BiH, to accomplish this task. Thus, Serb officials relied on the use of terror, entailing mass killings, torture, rapes, and prison camps to eradicate the non-Serb population. The non-Serbs had to be sufficiently terrorized to ensure that they would flee the area and never return.

115. The character of "ethnic cleansing" was partly determined by its reliance on local officials and paramilitary leadership. Local officials

relied on police and militia to help expel non-Serbs from Serb-controlled land, and these forces were often ill-equipped and untrained. The use of terror was their most efficient weapon. Police and local militia were frequently supplemented by paramilitaries. These groups often operated outside any discernable centralized command and control structure. Paramilitaries were often recruited from a population of rural, uneducated youth. Sometimes a deliberate effort was made to recruit those with criminal backgrounds. The apparent lack of control over paramilitaries conveyed the message that the most brutal acts would be permitted, or at least they would go unpunished.

116. The fragmentation of authority has provided FRY and Bosnian Serb officials with "plausible deniability". If ties between paramilitaries and officials are obscured, government officials might be able to evade responsibility for "ethnic cleansing". Thus, even after the JNA became better organized and able to assert greater control in 1993, it did not establish effective command and control over the paramilitaries.

117. While regular military units, militia, police and local citizens have all participated in "ethnic cleansing" campaigns. Paramilitary units are responsible for some of the most brutal aspects of "ethnic cleansing." Two of the units that have played a major role in the "ethnic cleansing" campaign in BiH, the "Četniks" associated with Vojislav Šešelj and the "Tigers" associated with Željko Ražnjatović (Arkan), have been active in the Republic of Serbia as well. Šešelj's followers have reportedly waged "ethnic cleansing" campaigns against ethnic minorities in Serbia's provinces of Vojvodina and Kosovo. Arkan's "Tigers" have staged military training exercises allegedly designed to intimidate Albanian residents in Kosovo.

118. These paramilitary units have launched operations from within the Republic of Serbia. In addition, paramilitary training camps are located within the Republic of Serbia.

VII. THE ATTACK ON ZVORNIK 49/

119. The attack on Zvornik, in north-eastern BiH, reveals a similar pattern of events that was repeated throughout much of the area. In the weeks prior to the attack (which occurred on 8 April 1992), tensions between ethnic groups in the city had increased. Members of each ethnic group had obtained weapons for their personal use. Muslims were warned by their Serb friends that they should leave the area. Prior to 8 April, many Serbs left Zvornik, apparently having been forewarned of the impending attack. On the weekend before the attack, Serbs constructed a barricade, preventing many Muslims from reaching their work site or school. In retaliation, Muslims also erected a barricade at the same location. It was protected by Muslim police officers and armed volunteers.

120. On the day before the attack, JNA troops moved into the region. On television, a Belgrade commentator reported that the JNA was needed in the region because they expected an attack by Muslim extremists.

121. On 8 April, Serb representatives of SDS, as well as the paramilitary leader known as "Arkan," called for the Muslims to peacefully surrender the city. Negotiations proceeded in which the division of the city into Muslim and Serb enclaves was discussed. The negotiations broke down, however, apparently because Arkan was dissatisfied with the result.

122. After the failure to reach an agreement, the attack on the town began. The JNA, using tanks, artillery and infantry units, was joined by Arkan's

paramilitary troops, sometimes known as "Arkanovci." There was heavy shelling of the Muslim sections of the city.

123. The next day Arkan's troops, along with paramilitary units known as "Šešeljovci" and the Beli Orlovi (White Eagles), entered the city. Serb territorial defence units (TOs) also participated. It was reported that these troops committed random executions and rapes after entering Zvornik.

124. The next day, a provisional government was established that was headed by local Serbs, primarily members of SDS. A curfew was imposed, and residents had to obtain a police permit to travel within the city. Several Muslims who went to the police station to obtain a permit were taken into custody and deported to an outlying prison camp. Except for indispensable personnel such as hospital employees, Muslim men were prevented from working. During the following days, paramilitary units continued to patrol the streets, and there were many reports of looting, rape and other acts of brutality.

125. In late April, an appeal was made to Muslims to return to the area from which they had fled. Many returned because they feared losing their property. On arriving in Zvornik, Muslims were told that they must register their property. An "agency for the exchange of houses" was established. In exchange for relinquishing their homes, Muslims were promised the former homes of Serbs in Tuzla. Departure from the town was only possible on the condition that their property was turned over to Serb authorities. From late May to early June 1992, the entire Muslim populations of villages in the surrounding area were deported. The expelled Muslims were allowed to take few personal possessions with them. Even these items were often stolen at Serb check-points on the roads leaving the area.

126. According to an account in Vreme, the "cleansing" was followed by organized looting. "Some stole gold, hard currencies, household appliances or cars. Others robbed department stores. Electricity plugs were torn out of the walls and children's toys were sold and bought. Even entire bedroom suites could be seen floating down the river". 50/

ANNEX V - PRIJEDOR

127. Commissioner Greve prepared Annex V with the assistance of Morten Bergsmo, Assistant to the Commission of Experts. Annex V is an extensive report, consisting of 128 pages of text, on the genocide and "ethnic cleansing" which occurred in Opština Prijedor.

128. Commissioner Greve and Mr. Bergsmo collected approximately 400 statements from victims and witnesses of the events in Opština Prijedor which were the main resource for the report. In addition, Commissioner Greve relied on local Serbian media reports of the events and her own research.

129. For security reasons, the information gathered from victims and witnesses is kept confidential. These statements are contained in four separate volumes (a total of 911 pages) and are provided exclusively to the Office of the Prosecutor of the International Criminal Tribunal for the Former Yugoslavia (ICTFY).

I. GENERAL DESCRIPTION

130. Opština Prijedor is a district located in north-western Bosnia and Hercegovina (BiH) in an area which is part of Bosnian Krajina. It is located in between the town of Sanski Most (to the south), the Bosnian-Croatian border towns of Bosanski Novi (to the west) and Bosanska Dubica (to the north), and

the regional capital of Banja Luka (to the east). Except for the area of Sanski Most, the other neighbouring districts had Serbian majority populations before the armed conflicts started in BiH.

131. According to the 1991 census, Opština Prijedor had a total population of 112,470 people, of whom 44 per cent were Muslims, 42.5 per cent Serbs, 5.6 per cent Croats, 5.7 per cent "Yugoslavs" and 2.2 per cent others (Ukrainians, Russians and Italians). In early April 1992, the total population may have been approximately 120,000 people, augmented, inter alia, by an influx of people who had fled the destruction of their villages in areas to the west of Opština Prijedor.

132. Comparing the 1991 census figures with the results of a population count of June 1993, as published in Serbian-controlled media, gives the following overall picture:

	1991	1993	Reduction	New arrivals
Serbs	47,745	53,637	---	5,892
Muslims	49,454	6,124	43,330	---
Croats	6,300	3,169	3,131	---
Others	8,971	2,621	6,350	---

Thus, the total number of killed and deported persons as of June 1993 is 52,811 (including limited numbers of refugees and people missing). Since then, the number of non-Serbs in the district has continued to decrease. The extreme persecution to which non-Serbs are subjected and their almost total lack of protection in the district is illustrated by the fact that the ICRC and the UNHCR asked permission from the Serbs, ultimo March 1994, to evacuate all remaining non-Serbs from Opština Prijedor.

II. SERBS TAKE POWER ON 30 APRIL 1992

133. According to Kozarski Vjesnik, a Serbian-controlled newspaper in Opština Prijedor:

> "The man [Simo Drljača], who the Serbian Democratic Party of the Opština Prijedor put in charge of forming the Serbian police after half a year of illegal work, had done his job so well that in 13 police stations 1,775 well armed persons were waiting to undertake any difficult duty in the time which was coming. In the night between 29 and 30 April 1992, he directed the takeover of power [by the Serbs], which was successfully achieved in only 30 minutes, without any shots fired. The assembly of the Srpske Opštine Prijedor, at the end of March last year [1992], appointed him Chief of the public security station [i.e. in charge of the secret police]. He was in charge of this job during the most demanding period and remained in the position until January 1993. These days he has been appointed Vice-Minister of Internal Affairs of the Serbian Republic. He will commence his new function in Bijelina on Monday." 51/

134. More than six months prior to the power change in 1992, the Serbs started to build up their own administration parallel to the legitimate authorities in Opština Prijedor, what they called the Serbian Opština Prijedor. This included, inter alia, a pure Serbian police force with secret service functions. The legitimate authorities in Opština Prijedor had been lawfully elected and the Prijedor Assembly reflected the ethnic composition of

the district.

135. In early 1992, a very small Serbian paramilitary group took control of the television transmitter on the Kozara Mountain in Opština Prijedor. As a consequence, the population in the district could not receive television programmes from Sarajevo or Zagreb any longer, only from Belgrade and later Banja Luka. The television programmes from Belgrade insinuated that non-Serbs wanted war and threatened the Serbs.

136. Prior to the power change on 30 April 1992, Serbs secretly armed other Serbs in the district. Many soldiers from the JNA withdrew from Croatia to north-western BiH in early 1992. Instead of demobilizing those who returned to Opština Prijedor, the legitimate authorities were pressured to accept redeploying them to control all inroads to and exits from the district together with police and the TO. The pressure applied was an ultimatum. The legitimate authorities were invited for a guided sightseeing tour of two Croatian villages just north of Bosanska Gradiška which had been destroyed and left uninhabited. The message was that if the ultimatum was not met, the fate of Prijedor would be the same as that of these villages. The ultimatum was accepted.

III. IMMEDIATE CONSEQUENCES OF THE SERBS TAKING POWER

137. An immediate consequence of the Serbian takeover was severed communications between Opština Prijedor and the outside world. It became more difficult to travel and the telephone system was no longer fully operational. A curfew was introduced in Prijedor town - the main town in the district - and travel permits were required in many areas even to move among local villages. Bus services were closed down.

138. In the wake of the power change, most non-Serbs were dismissed from their jobs, be it as police, public officials or even manual workers. In all key functions such as police and local administration, the empty posts were taken over by Serbs.

139. Already before 30 April 1992, Serbs had started to visit the non-Serbs who were licensed to hold weapons and demand that they give their weapons up. This process was intensified after the takeover, and combined with a campaign where non-Serbian police and Territorial Defence Forces (Teritorijalna Odbrana or TOs) were instructed to hand over their weapons, and non-Serbian houses and villages were searched for arms.

140. Also, the local media, Radio Prijedor and Kozarski Vjesnik, joined in the anti non-Serb propaganda. The media slandered former non-Serbian leaders by criticizing everything from their alleged lack of efficiency to their private lives. In addition, the media claimed that many dangerous - in particular Muslim - extremists were in the area, preparing genocide against the Serbs.

IV. THE MAJOR SERBIAN MILITARY OPERATIONS IN THE DISTRICT

141. Following an incident in which less than a handful Serbian soldiers were shot dead under unclear circumstances, the village of Hambarine was given an ultimatum to hand over a policeman who lived nearby where the shooting had occurred. As it was not met, Hambarine was subjected to several hours of artillery bombardment on 23 May 1992. The shells were fired from the aerodrome Urije just outside Prijedor town. When the bombardment stopped, the village was stormed by infantry, including paramilitary units, which sought

out the inhabitants in every home. Hambarine had a population of 2,499 in 1991.

142. On 24 May 1992, a large-scale attack on the entire Kozarac area east of Prijedor town, under the Kozara Mountain, was carried out with intensive bombardment from all directions by artillery, tanks, and small firearms. The bombardment lasted for more than 24 hours, before infantry and paramilitary groups stormed Kozarac and nearby villages and searched for people in every building. The affected area had a total population of almost 27,000 non-Serbian people.

143. On 30 May 1992, a group of probably less than 150 armed non-Serbs had made their way to the Old Town in Prijedor to regain control over the town. They were defeated, and the Old Town was razed. In the central parts of Prijedor town, all non-Serbs were forced to leave their houses as Serbian military, paramilitary, police and civilians advanced street by street with tanks and lighter arms. The non-Serbs had been instructed over the radio to hang a white piece of cloth on their homes to signal surrender.

144. Starting on 20 July 1992, a large area of predominantly non-Serbian villages on the left bank of the Sana River (the larger Hambarine/Ljubija area) was attacked in a similar manner to the Kozarac area. However, it was predominantly infantry and paramilitary groups that carried out the destruction. At the time of the attack, the areas had a population of close to 20,000 people, including people who had come for shelter after their villages west of Opština Prijedor had been destroyed.

145. Today, the former homes of almost 47,000 people in the Kozarac and Hambarine/Ljubija areas are empty and destroyed. Some were hit by artillery shells, while others were set ablaze in the initial attack. All the homes were pillaged and a large number blown up, one at a time from inside, destroying especially the inside and the roofs. Most of the artillery used during these attacks had been moved into position some time before the Serbs took power on 30 April 1992.

V. CONCENTRATION CAMPS AND DEPORTATIONS

146. As non-Serbs were attacked in the villages and Prijedor town, hundreds, possibly thousands, were killed in their home areas, frequently after maltreatment. The survivors who temporarily managed to flee or hide were divided. Females, boys under the age of sixteen (sometimes the age limit may have been lower) and elderly men (older than 60 or 65) made up one group, while the other men comprised the second group.

147. The second group - the men - were taken to hastily opened concentration camps in a ceramic tile factory, Keraterm, next to Prijedor town and on the premises of the iron ore mine and processing plant at Omarska. Massacres, torture, and appalling living conditions quickly depleted the number of detainees.

148. In an interview of Simo Drljača (Chief of the Serbian secret police in Prijedor), he stated that:

> "In the collection centres 'Omarska', 'Keraterm', and 'Trnopolje' more than 6,000 informative talks were held. Of this number 1,503 Muslims and Croats were sent to the camp 'Manjača', on the basis of solid documentation of active participation in the fighting against the Army of Republica Srpska, and also participation in genocide against the Serbian people. Instead of letting them get

> their deserved punishment, the powerful men of the world expressing disdain forced us to release them all from Manjača." 52/

149. As the "informative talks" or interrogations basically took place in the Omarska and Keraterm camps, it can be concluded that more than 6,000 adult males were taken to these concentration camps in the short period they existed (from the end of May to the beginning of August 1992). Since only 1,503 were moved on to Manjača camp according to Mr. Drljača, a limited number transferred to the Trnopolje camp, and almost none released, it may be assumed that the death toll was extremely high, even by Serbian accounts. The concentration camp premises were sometimes so packed with people that no more inmates could be crammed in. On at least one occasion, this allegedly resulted in an entire bus-load of newly captured people being arbitrarily executed en masse. Some 37 women were detained in Omarska, whilst no women were kept over time in Keraterm.

150. The women's groups (almost all the females, the boys under the age of sixteen and the elderly men) were normally taken to the Trnopolje camp. Here the regime was far better than in Omarska and Keraterm; none the less harassment and malnutrition was a problem for all the inmates. Rapes, beatings and other kinds of torture and even killings were not rare. Some of these detained women were released after a few days as there was a lack of space in the Trnopolje camp as well.

151. On their way to the concentration camps, some captives were detained for shorter periods at improvised detention facilities such as sports halls in schools and stadiums (notably in the Prijedor suburb of Tukovi, and in Ljubija).

152. As soon as the Serbs had captured the first groups of non-Serbs, the large-scale deportations of the women's group started. Some were deported straight from the improvised detention facilities, the majority from the Trnopolje camp. The majority of deportees were cramped into buses or onto military trucks and sent towards Travnik. These deportees had to walk almost 30 kilometres from where the trucks and buses dumped them in a desolate area on the outskirts of the Vlašić Mountain, to reach non-Serbian-held areas in central BiH. A few were deported the safer way to Bosanska Gradiška. Sizable numbers were taken by rail - many in cattle wagons - to Travnik, some were let off the trains in Doboj from where they were ushered ahead on foot in the direction of Tuzla. Some individuals perished during the transport due to the mid-summer heat and next to suffocating conditions both in cattle wagons and on closed military trucks where the deportees were also deprived of food and water.

VI. THE STRATEGY OF DESTRUCTION

153. The Serbs took power in Opština Prijedor on 30 April 1992, after more than six months of careful planning. After this, the non-Serbs had their homes and communities destroyed, their families split, and their employment denied. The majority of the non-Serbs were soon captured, thousands incarcerated in concentration camps, and even larger numbers deported. This all happened after the Serbs had sealed off most exits from the area. The non-Serbs presented no real threat to the Serbs under these circumstances, the district of Prijedor being surrounded at the time by areas controlled and dominated by the Serbs (the non-Serb majority population in the Sanski Most district was purged simultaneously as in Prijedor).

154. Despite the absence of a real non-Serbian threat, the main objective of

the concentration camps, especially Omarska but also Keraterm, seems to have been to eliminate the non-Serbian leadership. Political leaders, officials from the courts and administration, academics and other intellectuals, religious leaders, key business people and artists - the backbone of the Muslim and Croatian communities - were removed, apparently with the intention that the removal be permanent. Similarly, law-enforcement and military personnel were targeted for destruction. These people also constituted a significant element of the non-Serbian group in that its depletion rendered the group at large defenceless against abuses of any kind. Other important traces of Muslim and Croatian culture and religion - mosques and Catholic churches included - were destroyed.

VII. THE GENERAL LACK OF PROTECTION FOR NON-SERBS

155. From the time when the Serbs took power in the district of Prijedor, non-Serbs in reality became outlaws. At times, non-Serbs were instructed to wear white arm bands to identify themselves. Non-Serbs were subjected to crimes without the new Serbian leaders attempting to redress the problem. For example, rape became a serious problem for many women who were left alone as their husbands had been detained. The impression was allowed to spread among Serbs that they would be exonerated if they made life difficult for non-Serbs so that the latter would ask permission to leave the district. According to new Serbian regulations, those leaving the district had to sign over their property rights to Serbs and accept never to return, being told that their names simultaneously would be deleted from the census.

VIII. RESPONSIBILITY

156. When the Serbs took power in the district of Prijedor, they immediately declared the existence of a Crisis Committee of the Serbian district of Prijedor (Krizni Štab Srpske Opštine Prijedor). Some of the members of this crisis committee were the military commanders Colonel Vladimir Arsić and Major Radmilo Zeljaja, and other district leaders, such as Major Slobodan Kuruzović; the Chief of Police, Simo Drljača; Mayor Milomir Stakić; the President of the Executive Board of the Assembly in Prijedor, Mićo Kovačević; the President of the Serbian Democratic Party (Srpska Demokratska Stranka or SDS) in Prijedor, Simo Mišković; and the President of the Red Cross in Prijedor, Srdjo Srdić.

157. The military destruction of the non-Serbian habitations in Opština Prijedor took place when the area was under the command of Colonel Vladimir Arsić and Major Radmilo Zeljaja in close cooperation with military superiors, at least in the regional capital Banja Luka. Units stationed outside of Opština Prijedor assisted in the military destruction, as did paramilitary units whose attacks were timed to fit with the artillery attacks and the manoeuvres of the regular army units.

158. In the above-mentioned interview, Simo Drljača stated that:

> "[T]hey [the police force (including the secret services)] carried out my orders and the orders of the CSB [the Public Security Centre] Banja Luka and the Minister of Interior.
>
> ...
>
> ... the cooperation was excellent with the Army of Republika Srpska and with the officers of that army. The cooperation was manifested in the joint cleansing of the terrain of traitors, joint work at the checkpoints, a joint intervention group against disturbances of public order and in fighting terrorist groups." 53/

159. The secret police and the military police provided the concentration camps with interrogators and guards. For some of the most gruesome torture and killings of detainees, the assistance of paramilitary units and some locals was also called upon. The joint police and military intervention units were used to trace and capture the non-Serbian leadership. The latter units killed prisoners arbitrarily during transport to the Manjača camp and arranged mass-killings of "deported" prisoners in the Vlašić Mountain area.

160. The other members of the Krizni Štab Srpske Opštine Prijedor ran the community in which all these violations occurred. They participated in the administrative decision-making. The gains of the systematic looting of non-Serbian property were shared by many Serbs on different levels.

161. The Commission of Experts possesses the names of hundreds of alleged perpetrators at different levels and in a variety of capacities.

IX. CONCLUSIONS

162. It is unquestionable that the events in Opština Prijedor since 30 April 1992 qualifies as crimes against humanity. Furthermore, it is likely to be confirmed in court under due process of law that these events constitute genocide.

ANNEX VI - THE BATTLE AND SIEGE OF SARAJEVO

163. Annex VI was prepared by staff members of IHRLI, under the direction of Chairman Bassiouni. It consists of 1,300 pages of text. Section 1 is the summary, which follows. Section 2 is the chronology which details daily combat and shelling activity, targets hit and damage to those targets, sniping activity, and total casualties reported. The chronology also contains a narrative of daily military activities as well as narratives of local and international events relating to the battle and siege. Each section is followed by detailed appendices, illustrating the information contained in the report.

I. SUMMARY AND ANALYSIS

A. Methodology

164. The Study of the Battle and Siege of Sarajevo presents a daily chronology documenting events in the city from 5 April 1992 to 28 February 1994. The chronology is based on incidents reported in the database, source materials and media reports. It details, in so far as information is available: daily combat and shelling activity; specific identified targets hit; known damage to targets; sniping activity; and total casualties reported. The chronology also contains a narrative of daily military activities and narratives of local and international events relating to the battle and siege. The purpose of the chronology is to describe the events and consequences of the battle and siege of Sarajevo and to evaluate apparent patterns of violations of humanitarian law. Where facts, figures or accounts of events have differed in the reports reviewed, all the conflicting versions are recorded in the chronology.

165. To present the most complete picture of the events in Sarajevo during the siege, a number of sources were utilized to prepare the chronology. Daily, weekly and monthly UNPROFOR reports were incorporated where available, to record the number of shells fired into the city, as well as to develop a

greater understanding of the events as witnessed by the military observers on the ground. UNPROFOR orders of battle were also reviewed and included to identify the command structure of the forces in and around the city.[54] In many instances, information was obtained through specialized UNPROFOR and other UN reports, containing details on the numbers of relief flights into the city, the status of utilities and attempted utility repairs, specific crater analyses after serious shelling incidents, and other significant events. In addition to UNPROFOR reports, valuable information was gathered from local sources and incorporated into the chronology. In particular, cumulative statistical reports and reports on daily, weekly and monthly casualties in the city were obtained from the Bosnia and Herzegovina (BiH) Institute of Public Health Bulletins. Other valuable information was submitted by the BiH government and was incorporated into the chronology. This information included reports on property destruction in the city and photographs of destroyed structures submitted by the BiH War Crimes Commission in Sarajevo. Photographs and videotapes obtained independently by the United Nations Commission of Experts were also utilized. These materials confirmed the widespread structural and property damage in the city.

166. To supplement the above information, an on-line international media search was conducted to locate relevant press accounts pertaining to the events in Sarajevo. This search resulted in nearly twelve thousand pages of information which was put into source files and incorporated into the chronology. These media sources were cross-checked and verified against one another. Where accounts differed, both sides were recorded. Local media sources such as the Belgrade based Tanjug news agency and Vreme, as well as Sarajevo Television and Radio were consulted. This media-based information played an especially important part in the chronology, particularly during the first few months of the siege when UNPROFOR and other sources of information had not yet begun their efforts to record relevant data in the city. Additional information was also gathered pertaining to relevant negotiations and political events. In particular, the staff of IHRLI prepared a separate chronology of the negotiations which was incorporated into the chronology on the battle and siege of Sarajevo. The chronology of the negotiations drew much of its information from reports of the International Conference on the Former Yugoslavia, the Foreign Broadcast Information Service, a Carnegie Endowment Special Publication prepared on the negotiations,[55] and press reports.

167. In conjunction with the preparation of the chronology, many hours of video footage were viewed. This film was gathered and archived by IHRLI, with the assistance of Linden Productions.[56] The footage viewed ranged from local home video to western media reports providing details on the many events and venues featured in the chronology. To accurately identify and locate targets in the city and to verify reports in the chronology, a number of informal interviews were also held with individuals who had been in Sarajevo during the siege. This provided an excellent opportunity to hear detailed first-hand accounts of the siege. Since the individuals interviewed were native Sarajevans, the meetings also served to identify specific targets in the city, as well as many of the sites pictured in photos received.

168. Once a draft of the chronology was completed, a team of analysts was assembled to examine the information contained therein.[57] One analyst, for example, was assigned the task of collecting all of the information in the chronology pertaining to specific targets shelled in the city. Working with this information he prepared a map identifying the specific locations of shelled targets reported in the chronology.[58] Other analysts also:

(a) prepared a list of the most frequently hit targets in the city;[59]

(b) prepared a table of frequency of shelling, by dividing the city into designated areas and determining the most frequently shelled areas;[60] and

(c) accumulated and identified photographs picturing targets shelled in the city.[61]

169. Statistical analysts then examined the numerical data contained in the chronology.[62] As part of their effort, statistical charts were prepared recording

(a) total daily shelling activity in the city;[63]

(b) daily numbers of persons killed;[64]

(c) daily numbers of persons wounded;[65] and

(d) combined reported shelling activity and casualties by day and by week.[66]

In preparing this statistical information, only reports in the chronology with daily totals (e.g. total number of persons killed on a given day, or total number of shells fired) were included. This methodology was utilized to prevent incomplete data from being factored into the daily averages computed.

170. After an initial review of the statistics and the other data in the chronology, it became apparent that a possible connection existed between the increase and decrease in shelling activity and related political events such as negotiations, meetings, preparations for negotiations, the hardening or softening of public positions by international and local leaders, and changes and potential changes of positions by certain governments. The relevance of this connection is that it establishes a possible link between military and political activities or objectives. With this fact in mind, a graph was created to track significant local and international events contained in the chronology with the level of shelling in Sarajevo.[67] The political events included in this graph are as follows:

(a) international peace conferences involving the former Yugoslavia;

(b) statements by parties to the conflict; and

(c) statements made by other countries or international organizations relating to the former Yugoslavia.

B. Brief description and history of the city

171. Sarajevo, the capital of BiH, is located in central BiH in the Miljacka River valley. It is a long and narrow city (occupying 2,049 sq.km.) surrounded by hills and mountains.[68] The 1991 census indicates that before the siege the city and its surrounding areas had a population of 525,980. There are estimates that prior to the siege the population in the city proper was 435,000. The current estimates of the number of persons living in Sarajevo range between 300,000 and 380,000 residents.

172. The history of Sarajevo dates back to the Roman conquest of the area. Slavs later colonized the area and erected a castle in the south-east of the city. The city's name is derived from the Turkish word 'Seraglio' (palace in the fields). This name was given to the region by the Turks in the early 15th Century after the capture of the castle that the Slavs had erected. The city

has been a cultural, religious and commercial centre since the 15th Century. In 1878 Sarajevo was assigned to Austria by the Treaty of Berlin. On 28 June 1914, a student, Gavrilo Princip, assassinated the Austrian Archduke Franz Ferdinand and his wife on what now is the site of the Princip Bridge. The assassination set into motion the events leading to World War I.

173. Sarajevo contains an architectural blend of three major influences: the old Oriental heart of the city, the turn of the century Viennese city around it, and the contemporary high-rise apartment buildings and industrial facilities through its outskirts. The Old Town was built by the Turks and contains ancient structures and objects of cultural importance. Its centre, the medieval square known as Baščaršija (Market Square) serves as its marketplace. The city also has a very comprehensive modern tram and mass transit system. In addition to its many orthodox churches, Sarajevo has numerous mosques.

174. Sarajevo became the focus of world attention as host of the 1984 Olympic Games. Prior to the siege, it was a cosmopolitan city where persons of different religions lived and worked together.[69] Inter-marriages between the ethnic groups were not uncommon. According to the 1991 census, the city's multi-ethnic population distribution prior to the siege was as follows: Muslims 49.3 per cent; Serbs 29.9 per cent; Croats 6.6 per cent; Yugoslav 10.7 per cent. Jews and other groups made up the remaining 3.5 per cent of the population. Observers have noted that in the beginning of the siege many of Sarajevo's Serbs fled the city. According to reports, some joined the Bosnian Serb army. Others relocated to Serb-held areas in the outlying districts. There are estimates that 40,000 Serbs remain in government-held parts of the city. According to reports, the city's 400-year-old Jewish community numbered 14,000 before World War II and 1,400 before the current conflict. It has been reported that as a result of evacuations and casualties, only a few hundred Jews remain.

C. Summary of the battle and siege

175. The battle and siege of Sarajevo began on 5 April 1992, the eve of European Community recognition of BiH as an independent state. On that date, thousands of persons took to the streets in spontaneous peace marches. The largest body of demonstrators headed towards the Parliament building and other buildings reportedly seized by Serb forces. Unidentified gunmen were then reported to have fired into the crowd. One protestor was confirmed dead. Since that date, the siege and relentless bombardment from the hills surrounding Sarajevo has taken a tremendous physical toll on the city and its inhabitants.

176. Since the beginning of the siege it is estimated that nearly 10,000 persons have been killed or are missing in the city. This total includes over 1,500 children. An additional 56,000 persons have been wounded, including nearly 15,000 children. It has been estimated that over the course of the siege the city has hit been hit by an average of approximately 329 shell impacts per day, with a high of 3,777 shell impacts on 22 July 1993. This shellfire has caused extensive damage to the city's structures, including civilian and cultural property. The BiH Government has estimated that shelling has destroyed over 10,000 apartments and damaged over 100,000 others. Of the other buildings in the city, 23 per cent were reported seriously damaged, 64 per cent partially damaged and 10 per cent slightly damaged. The Council of Europe's Committee on Culture and Education concluded that most of the buildings in the city had been damaged to a greater or lesser degree and that 35,000 dwellings had been destroyed through September 1993.

D. Civilian casualties

177. The chronology contains cumulative casualty reports submitted by the BiH Institute for Public Health.[70] It also contains casualty reports from UNPROFOR and other sources. According to the BiH Institute reports, as of 15 November 1993, 9,539 persons had either been killed, died of malnutrition or from the cold, or were missing in the city. This total included 1,525 children. Additionally, 55,801 persons had been wounded, including 14,538 children.[71]

178. Based on the chronology's sources of information, a large number of Sarajevans have been killed and wounded with regularity throughout the siege.

(a) The chronology contains reports on 315 days where the total numbers of persons killed was documented.[72] On those days a total of 2,474 persons were reported killed, totaling an average of approximately eight killed in the city per day.

(b) The chronology also contains reports on 306 days on which the total number of persons wounded was documented.[73] On those days, a total of 13,472 persons were reported wounded, totaling an average of approximately 44 wounded per day.

It should be noted that actual daily casualty numbers in Sarajevo are probably higher than those reported in the chronology. This is because the varied centralized city casualty counts relied upon may not include many victims who are taken to district morgues and clinics.

179. The siege has not spared any sector of Sarajevo's population. UNICEF reported that of the estimated 65,000 to 80,000 children in the city: at least 40 per cent had been directly shot at by snipers; 51 per cent had seen someone killed; 39 per cent had seen one or more family members killed; 19 per cent had witnessed a massacre; 48 per cent had their home occupied by someone else; 73 per cent have had their home attacked or shelled; and 89 per cent had lived in underground shelters. It is probable that the psychological trauma suffered during the siege will bear heavily on the lives of these children in the years to come.[74]

180. As a result of the high number of casualties and the wartime conditions present, makeshift cemeteries appear throughout Sarajevo and its surrounding areas. Parks, athletic fields, and other open spaces have been utilized as graveyards.[75] One such site is the sports complex built for the 1984 Winter Olympics.

181. The siege has also had a profound effect on the psyche and future of the city's population. The BiH Government has reported a soaring suicide rate by Sarajevans, a near doubling of abortions and a 50 per cent drop in births since the siege began.

E. Structural and property damage and destruction[76]

182. The structural and property damage in Sarajevo as a result of the siege includes specifically protected targets such as hospitals and medical complexes, medical facilities (including ambulances) and medical personnel, as well as cultural property. Furthermore, there have been attacks upon civilian property which are not justified by military necessity and are equally prohibited. The BiH government has estimated that shelling has destroyed over 10,000 apartments and damaged over 100,000 others. Of the other buildings in the city, 23 per cent have been reported as seriously damaged, 64 per cent as

partially damaged and 10 per cent as slightly damaged.[77] In its report, the Council of Europe's Committee on Culture and Education commented on the structural damage in the city. The Committee stated:

> ". . . [I]t is plain that Sarajevo has suffered badly at the hands of its attackers. Apart from the obvious human cost in the continued suffering and difficulties of day to day living, there has been serious damage to the urban fabric. The infrastructure (drainage, electricity, telephone services, etc.) is badly damaged. Most buildings are damaged significantly and probably all buildings are damaged to a greater or lesser degree (broken glass etc.). Some buildings have been completely destroyed including ancient monuments (such as the Library) and including a number of modern steel framed buildings (such as the Unis Building) which in some cases have simply collapsed. 35,000 dwellings are also assessed to have been destroyed during the past year."[78]

183. The chronology documents the widespread structural and property damage and destruction of the city.[79] The following list is only illustrative and does not distinguish on a legal basis between specifically protected targets and others. The targets shelled and documented in the chronology include:

(a) hospitals and medical complexes: the Koševo Hospital; the Military Hospital (a.k.a. French Hospital); the Jezero Hospital; and the Institute for Physical Therapy and Rehabilitation.

(b) media and communication centres: the Oslobodjenje buildings; the radio and television administration buildings; the main post office; the television tower; and the PTT building.

(c) civilian and industrial targets: the electric tram depot; the town hall; the Hotel Bristol; the tobacco factory; the public transportation network; university buildings; the market place/bazaar area (the Old Town/Baščarišja); the Hotel Europa; the Lion, Jewish, and other cemeteries in and around the city; Olympic sites; the Bosna Hotel; the Islamic Theological School; the main library; the Gazi Husref Begova Mosque; the Olympic Museum; the Klas Šarko and Velepekara Building (flour mill, main bakery); the Holiday Inn Hotel; the National Museum; the candy factory; the People's Bank; the Veterinary College; Morića Han; the Tvornica Armatura (factory); the Elektroprivreda building; and Skenderija.

(d) Government buildings: the Presidency building; the Parliament; and the Sarajevo Courthouse.

(e) military and United Nations centres: the airport; UNHCR facilities; the Lukavica Barracks; UNPROFOR headquarters; the Halilovici Barracks (a.k.a. UNPROFOR "Camp Beaver"); the Bistrik Camp (UNPROFOR); and the former Maršal Tito Barracks.

184. Shelled quarters of the city and suburban areas documented in the chronology include: Oteš; Azići; Stup; Ilidža; Butmir; Nedžarići; Dobrinja; Mojmilo; Novi Grad; Buča Potok; Hrasno; Grbavica; Novo Sarajevo; Baščaršija; Bistrik; Stari Grad; Igman, Trebević and Žuč Mountains; Čengić Vila; Pofalići; Vasin Han; Rajlovac; Vraca; Marijin Dvor; Doglodi; Bjelave; Vratnik; Velešići; Dolac Malta; Stupsko Brdo; Katorac (upper); Katorac (lower); Kasindol Street; Pero Kosorić Square; Darovalaca Krvi Street; Vase Miškina Street; Vojničko Polje; Alipašino Polje.

F. Structure and location of forces in and around the city[80]

1. The defensive forces

185. Since the beginning of the siege, the First Corps Sarajevo has served as the BiH defensive force in and around Sarajevo. Most assessments characterize the First Corps Sarajevo as superior to the besieging forces in infantry numbers, but clearly deficient in its firepower. It has been estimated that there are as many as 70,000 soldiers in the BiH forces committed to the defence of the city. More conservative estimates range in the area of 25,000 to 30,000. The First Corps Sarajevo headquarters is located in Sarajevo and was originally commanded by Mustafa Hajrulahović.[81] The most recent commander was Vahid Karavelić. Observers have noted that a recent reorganization of the First Corps has lead to better command and control of the forces.

186. At the beginning of the siege, a score of men with criminal backgrounds formed groups to defend the city. Among these men were Musan Topalović (a.k.a Ćaćo) and Ramiz Delalić (a.k.a. Ćelo). Ćaćo, a 29 year-old former musician ultimately commanded the BiH army's Tenth Mountain Brigade. Ćelo commanded the Ninth Brigade. Both men reportedly controlled gangs operating on the Bosnian Serb siege line, bringing truckloads of contraband over the bridges across the Miljacka river separating Grbavica from the city centre. On 26 October 1993, the BiH government initiated a crackdown against these commanders, surrounding their headquarters in separate stand-offs. Ćaćo was killed during the course of his capture and Ćelo was reported to have given himself up.

187. The Croatian Defence Council (HVO) and the First Corps forces fought together in defence of the city throughout much of the siege despite opposing one another in Mostar and in other parts of BiH. The HVO had an estimated 2,000 soldiers deployed in Sarajevo, in an area on the Miljacka River facing the Serbian-held districts of Kovačići, Grbavica and Hrasno which had reportedly not seen as much heavy fighting as other fronts. In late September 1993 there were reports that Bosnian Serb forces held their fire along these sections of the front defended by the HVO and that the forces traded cigarettes and food across the Miljacka. On 10 November 1993, several groups of HVO troops were marched under BiH army guard and the HVO barracks were occupied by BiH army troops. The HVO commander, Slavko Zelić, was subsequently arrested. The BiH army thereafter announced that it was disbanding the HVO in Sarajevo and accused some of its members of "actively cooperating" with BSA forces around the city, jeopardizing its defences. The BiH army then invited HVO soldiers to join a new Croatian brigade of the First Corps.

2. The besieging forces

188. The Sarajevo Romanija Corps is the Bosnian Serb force of the Bosnian Serb Army (BSA) which has surrounded the city since the beginning of the siege. It is the successor of the same unit of the Yugoslav National Army (JNA) which occupied the same position until May 1992. There are indications that early in the siege the JNA was involved in the fighting in Sarajevo. Bosnian officials frequently charged that JNA tanks joined Bosnian Serb forces in barrages, and that the JNA provided the Bosnian Serb forces with logistical support and protection. In late April 1992, the BiH government ordered the withdrawal of all JNA forces from its soil. The Belgrade government announced that it would withdraw from BiH, troops who were not residents of the Republic. Since most of the JNA troops in BiH were Serbs of Bosnian nationality, this withdrawal policy reportedly had little effect. Some 80,000 Yugoslav soldiers were thereafter transferred with their equipment to the Territorial Defence Forces of the Serbian Republic of Bosnia and Herzegovina (SRBiH).

189. The Sarajevo Romanija Corps headquarters are located in the hills overlooking the city at Lukavica. The Corps was originally commanded by Major General Tomislav Šipčić and was most recently commanded by Major General Stanislav Galić. The command structure has for the most part remained the same throughout the siege. While the defensive forces seem to have numerical superiority in their infantry troops, the besieging forces have firepower superiority. Reports estimate that the Sarajevo Romanija Corps numbers some 13,000 troops which are formed into eight brigades directly surrounding the city. A possible explanation for the shifting of firing sites from the mountainous areas surrounding Sarajevo may be that artillery personnel move from one emplacement to the other. Another explanation for this phenomenon could be the pattern of delivery of munitions. There are, however, no apparent munitions shortages.

190. Although the BSA forces surrounding the city have superior firepower, it has been observed that it is unlikely that they could effectively take control of the city. This observation is based, in part, on the fact that the BiH forces have more fighters. In addition, controlling the city and its numerous buildings and streets could prove an overwhelming task for the BSA forces. The BSA forces have therefore concentrated their efforts on weakening the city through constant bombardment from the surrounding hills.

G. Location and nature of artillery of the besieging forces

191. Many reports in the chronology generally describe shelling as coming from gunners in the hills surrounding the city. Far fewer pinpoint specific areas from which the shelling has originated. Reports of the besieging artillery and other heavy-to-medium weapons employed in the attacks vary from 600 to 1,100 pieces, but no verified account is available. These estimates do not include a large number of tanks. Some of the weapons are in fixed emplacements such as bunkers in the wooded hills and mountains surrounding Sarajevo and its suburbs. Because of the dense foliage, the emplacements are hard to detect from the air, particularly in the summer. Although the bunkers are difficult to see from the roads above or below the emplacements, it is possible to detect some of them. It is, however, very difficult to determine whether the bunkers contain artillery pieces, mortars or machine-guns, or have only snipers with small arms. From their hillside vantage points the besieging forces have a commanding view of the city. It is thus likely that they know which targets they are hitting with their artillery fire.

H. Nature and frequency of shelling by the besieging forces

192. The nature of the shelling observed in Sarajevo takes several forms: 1) specific targeting; 2) indiscriminate shelling; and 3) random shelling. With respect to specific targeting, a question arises as to whether or not a target is a protected target which makes the shelling a war crime. Indiscriminate shelling does not target a specific object, but by virtue of not discriminating or distinguishing between targets, it constitutes a war crime if within the area selected for shelling there are protected targets. Lastly, random shelling may include indiscriminate shelling as well as specific targeting, but the manner in which it is executed is not selective. Random shelling, can be methodical and systematic. If it includes protected targets it is a war crime.

193. Protected targets, whether objects or persons, are specifically identified in the four Geneva Conventions of 12 August 1949[82] and the Additional Protocols of 1977.[83] They are also established in the customary law of armed conflict and in the 1907 Hague Convention on the Regulation of

Armed Conflict.[84] In addition, the 1954 Hague Convention on the Protection of Cultural Property in Times of War also applies.[85] Both the conventional and customary law of armed conflict provide for specific prohibitions but also for what may be termed as circumstances exonerating from war crimes responsibility (but only with respect to certain types of violations). These exonerating conditions are: proportionality in responding to enemy fire; military necessity; and reprisals.[86] Since this study does not go into the question of individual criminal responsibility with respect to specific incidents, the analysis shall not cover the legal questions raised above. However, from a macro-analysis perspective, it is clear that, irrespective of whether a given instance establishes or not the individual responsibility of those who performed the act, the totality of the circumstances described in this report evidence command responsibility.

194. UNPROFOR and city officials have indicated that shelling of the city ranges from about 200 to 300 impacts on what they refer to as a quiet day to 800 to 1,000 shell impacts on an active day. The chronology confirms that the city has been relentlessly shelled over the course of the siege.[87]

(a) On the 196 days in the chronology where a total shelling count was available, Sarajevo was hit by 64,490 shells, totaling an average of approximately 329 shell impacts on the city per day. The range of shelling activity on these days varied from a low of two shell impacts on 17 and 18 May 1993 and 24 August 1993, to a high of 3,777 shell impacts on 22 July 1993.

195. Observers have noted that UNPROFOR shelling reports in many cases record only a fraction of actual shelling activity.[88] This is due in part to the logistical difficulties encountered by the UNPROFOR contingent during the siege. Therefore, it should be assumed that Sarajevo has been hit by a greater number of shells than that which has been recorded by observers.

1. Systematic shelling of specific targets by the besieging forces

196. The majority of shells counted on most days are usually directed towards BiH-controlled areas of the city suggesting a strategy to hit those areas. An examination of the range of destruction reveals a system of specific targeting as evidenced by the severe damage to almost all mosques, Catholic churches and major commercial buildings and facilities in the centre of the city.

197. The following targets have been documented in the chronology as being among the most frequently targeted sites in the city:[89] the Sarajevo radio and television stations; the Oslobodjenje Newspaper building which is still in operation;[90] the public transportation system; the Holiday Inn Hotel (which is the base of many foreign journalists); the Presidency and Parliament buildings; the main city brewery; the flour mill; the main bakery; the Olympic complex; the Post Telegraph and Telephone building; the industrial area of Alipašin Most near the railway station and main television tower; the Jewish cemetery; the Lion cemetery; the city airport; the tobacco factory; the Dobrinja apartment complex; the central district; Baščaršija (the old quarter of mosques); the Stari Grad section; New Sarajevo; the main thoroughfare on Maršal Tito Street; and the shopping district at Vase Miškina.

198. The chronology confirms that certain areas of the city have been systematically shelled throughout the course of the siege.[91] For example, the city centre has consistently been the most often targeted area, with shelling attacks reported in that particular area of the city on 240 days. Also heavily shelled were the airport area and south-western suburbs (shelling attacks reported on 158 days) and the Old Town area (shelling attacks reported on 113 days).

199. Systematic targeting can be inferred from the shelling of hospitals and in particular the Sarajevo University Clinical Centre Koševo which has constantly been under shell and sniper fire.[92] The Koševo complex has reportedly been shelled at least 264 times since the siege began, killing staff and patients alike.[93] An examination of the sheer number of shells and the high percentage of direct hits on the complex indicates an intent by the besieging forces to hit this civilian target. Moreover, much of the shelling from the surrounding hillsides has taken place at midday, the time when the hospital is busiest with visitors. It is therefore obvious that the besieging forces have knowledge of the patterns of operation of this facility.[94] Despite extensive damage, a shortage of electricity, water and necessary equipment, the Koševo Hospital is by necessity still in operation.

2. Patterns of random shelling by the besieging forces

200. A review of the incidents in the chronology also indicates a random process of shelling throughout the civilian areas of the city. The shelling which occurs at different times of the day without any particular pattern or target has a terror-inspiring effect on the civilian population. It is particularly telling that deaths, injuries and destruction have occurred in various parts of the city and in such presumably well-known civilian settings as schools, markets, streets, parks, football and athletic fields, cemeteries, hospitals, and even bread, water and relief lines in the city.

201. It is noteworthy that shell fire increases at night and often continues into the early morning hours. This may be attributable to the fact that many of those engaged in the shelling and sniping are working in the fields and at other jobs during the daytime hours. Observers have also noted that the shelling by the besiegers is generally lower during the week than on weekends. At times, night shellings are observed to follow a systematic directional pattern as if the same artillery pieces are simply changing their range. At other times, the shelling comes from different locations. A pattern of heavy shelling into the city has been observed to have occurred after reports of early morning small-arms fire. This suggests that the besieging forces have used heavy shelling of the city as a means to respond to efforts by the defending forces to break the siege.[95]

202. Most of the besieging forces firing from the hills surrounding Sarajevo are drawn from people who once lived in the city or who still live in the surrounding areas. There could, therefore, be a connection between the targeting of sites and the patterns of city life known to the besiegers. There have also been indications that "informants" within the city notify gunners in the hills of potential targets on certain days. For example, a child was killed in November 1992 after a mortar shell exploded as people were leaving a show in the city. Subsequent notifications of performances and exhibitions in the city have been more discreet in order to avoid the attention of the BSA artillery.

I. Sniping attacks by the besieging forces

203. Unlike artillery, mortar and tank shellings where accuracy may or may not be precise, and where the shelling may or may not be deliberate targeting, sniping is both deliberate and precise. It is a war crime when sniping is purposefully directed towards civilian targets. Sniping attacks by the forces[96] in and around the city display an intent to hit civilian and non-combatant targets. These shootings appear to lack military purpose or justification. Skilled marksmen often kill their targets with a single shot to the head or heart, and it is clear that they have exercised the specific

intent to hit obvious civilian targets with no other purpose than to cause death or serious bodily injury. In many cases snipers with a clear view from high rise buildings and the surrounding hillsides have targeted the most vulnerable of civilians, including: children (even infants); persons carrying heavy plastic containers filled with water; persons in queues; pedestrians at intersections; and rescuers attempting to come to the aid of sniping and shelling victims.

204. Snipers have been reported in positions throughout the city and have been known to travel in teams. In numerous incidents documented in the chronology, sniper fire has been directed towards ambulance drivers, fire fighters, relief workers and others attempting to secure those wounded in attacks.[97] There have also been numerous sniping attacks on UN and UNPROFOR personnel and facilities near the airport, observation posts and barracks.

J. Link between shelling activity by the besieging forces and political events

205. Heavy shelling of the city has occurred on numerous occasions prior to and during the various peace conferences, suggesting a political objective or link to the attacks.[98] There is an apparent correlation between the increase and decrease of shell fire in connection with political events such as: negotiations; meetings; the preparation for negotiations; the hardening or softening of public positions by international and local political leaders; and changes and potential changes of positions by certain governments.[99] The relevance of this is that it establishes a link between military and political activities or objectives. This fact also has a bearing on the interpretation of the rules of armed conflict with respect to proportionality and military necessity as mentioned above. It is also relevant to the establishment of senior command responsibility as well as the responsibility of political leaders who may have been involved in the decision making process related to the shelling activity.

206. The following are examples of reports appearing in the chronology which indicate a possible link between the shelling attacks in Sarajevo and political events:[100]

(a) On 23 August 1992, mortar shells hit Sarajevo for the fourth day with both sides accusing each other of trying to seize the initiative ahead of the coming peace talks in London. Twenty-two persons were reported killed and 100 injured on this day.

(b) On 14 September 1992, the BiH Presidency announced that it would not go to the following Friday's peace talks in Geneva. The announcement, reported on Sarajevo Radio, was met by a sharp upsurge of mid-morning shelling which shattered a two-day lull in the city. At least 20 people were reported killed and wounded in the first two hours of the attacks which began at 10:00 a.m.

(c) On 17 September 1992, fierce fighting was reported in Sarajevo on the eve of new peace talks as BSA gunners reportedly shelled the city with heavy weapon-fire. An artillery duel took place in the downtown area as the BiH delegation left for renewed peace talks in Geneva. Shelling and street fighting in the city lasted until about midnight in what Sarajevo radio called Sarajevo's "worst day of hell." More than 400 shells were fired by 4:00 p.m., mostly on BiH positions.[101]

(d) On 29 October 1992, the day after the new constitutional proposals for BiH were released (the Vance-Owen Plan), Sarajevo was hit with what was described as the worst shelling in two weeks with dozens of shells hitting the Old Town area. Heavy shellfire and high numbers of casualties were reported in the days to follow, including 749 shells, 31 people reported killed and 118 wounded in the 24 hour period ending at 5:00 p.m. on 31 October 1992.

(e) On 11 January 1993, 1300 incoming shells hit the city on the day of the resumption of the Geneva Peace talks. On 27 January, 1,500 shells hit the city during the peace talks.

(f) On 17-22 March 1993, a high level of shelling activity was reported during the peace negotiations. On 17 March, the city was hit with 962 shells (mostly around the Presidency) as the peace conference resumed in New York. During peace negotiations on 18 March, BSA forces reportedly launched the heaviest barrage in months against the city. However, no shelling numbers were reported. Thereafter, BiH President Izetbegović temporarily pulled out of the peace talks, stating that he could not be involved as long as BSA forces continued their attacks. On 19 March, artillery and mortar fire resulted in one of the heaviest tolls in a year, killing 25 and wounding 76. A high level of shelling continued and intensified fighting was reported on 21 March as Bosnian Serb leader Radovan Karadžić warned that if the UN Security Council authorized the use of military means to enforce a no-fly zone over BiH, his delegation could pull out of peace talks. Observers in the city counted 2,398 shells hitting the city on that day. On 22 March, UNPROFOR Commander Colonel Marcel Valentin called on the BSA forces to account for the shelling of civilian targets. He said that it was "quite obvious" that the Bosnian Serbs were trying to gain territory before signing a peace agreement being negotiated in New York.

(g) On 13 April 1993, one person was killed and 35 people were injured in an hour-long artillery assault after planned peace talks with BiH army commanders collapsed.

(h) On 2 May 1993, following news from Athens that Bosnian Serb leader Radovan Karadžić had signed a peace plan, the first shells were fired into the city from surrounding mountainsides at 7:45 p.m. According to hospital sources, five people were killed.

(i) On 22 May 1993, the day marking BiH's first anniversary of admission to the United Nations, BSA forces reportedly hit the city with artillery fire, killing at least nine persons and wounding more than 100 others. BSA and BiH forces blamed each other for beginning the artillery duel shortly before noon. A hospital official characterized the day as the worst in many weeks.

(j) On 17 July 1993 the BiH Presidency announced that it had agreed in principle to take part in the next round of peace talks in Geneva scheduled for the following week. BiH troop movements continued and it was reported that BSA forces launched a major offensive in the region of the Igman mountains with 2,000 shells hitting BiH positions outside the city.

(k) On 18 July 1993, BiH President Izetbegović ruled out attending renewed peace talks in Geneva unless BSA forces stopped offensives. On 21 July 1993, Sarajevo suffered what was described as "the heaviest shelling in weeks." However, no shelling numbers were reported. On that day United States Secretary of State Warren Christopher ruled out US military action or other direct intervention to prevent BSA forces from capturing Sarajevo. Commentators noted that those remarks may have removed any fears that Bosnian Serb leaders may have had about whether taking Sarajevo or other UN declared "safe areas" would draw military retaliation from the United States. On 22 July 1993, UNPROFOR recorded a siege-high 3,777 BSA fired shells in a 16 hour period. BiH President Izetbegović reiterated his earlier position that he would not attend the peace talks while fighting continued.

(l) On 24 July 1993, UNPROFOR reported that the BiH-controlled area of Žuč was hit by over 3,000 shells in a renewed Serbian offensive apparently seeking a breakthrough that could bring parts of the city under BSA control. Bosnian Serb leader Karadžić stated that BiH President Izetbegović must accept the partition of BiH into three ethnic states or BSA forces would settle the question on the battlefield. Karadžić said that peace talks should be postponed for months because negotiating would be pointless.

(m) On 27 July 1993 all three of the factions held a rare joint meeting. Bosnian Serb leader Karadžić stated that "[t]his is the last chance for an honest peace." Sarajevo was reported to have been hit by 2,390 shells on this day. On 28 July, shelling in the Žuč area reportedly eased as the peace talks in Geneva took a positive turn when leaders of the three factions met without mediators for the first time.

(n) On 29 September 1993, four to five mortar shells hit downtown Sarajevo in the afternoon just minutes after the radio announced rejection by parliament of the latest Geneva peace plan. This was reported to be the first mortaring of the city centre by BSA forces in several weeks. There had been reports in the days preceding the vote rejecting the peace plan that BSA commanders warned that they would respond to a rejection of the plan by "flattening" Sarajevo and by renewing offensives elsewhere.

(o) On 7 October 1993, shelling and sniping activity reportedly increased after BiH President Izetbegović stated that he could never accept the latest peace plan that would have divided BiH into three ethnic mini-states. Sarajevo which had reportedly enjoyed relative quiet in recent days, experienced increased shelling and sniping activity. The UN described the situation in the city as "unstable," with shelling around the airport and small-arms and heavy machine-gun fire in the city. No shelling totals were reported on this day.

(p) On 28 November 1993, BSA shellfire reportedly killed five people in the city on the eve of a new round of peace talks. An artillery barrage on the city reportedly came as BiH President Izetbegović left for Geneva. Moments earlier, Izetbegović told reporters, "If the Serb side does not return territories, sanctions should be tightened and not lifted."

(q) On 21 December 1993 the city was reportedly hit by a total of 1500 artillery shells. This shelling attack occurred as BiH officials in Geneva considered whether to accept a new Serb-Croat map for BiH. In the evening, a BiH spokesman said that the new map was "totally unacceptable."

(s) On 22 December 1993 the city was reportedly hit by a total of 1744 shells. This shelling occurred as the warring factions met in Brussels and agreed to a cease-fire in time for Christmas.

(t) On 23 December 1993 the city was reportedly hit by a total of 1309 artillery shells. This shelling activity occurred as peace talks in Brussels ended without a settlement, with the parties agreeing to meet again on 15 January.

(u) On 4 January 1994, the city was reportedly hit by a total of 868 shells. This shelling occurred as BiH and Croatian leaders held talks in Vienna.

(v) On 5 January 1994, the city was reportedly hit by a total of 1,409 shells. This shelling occurred as BiH and Croatian leaders held a second day of talks in Vienna. On 6 January 1994, Sarajevo was reportedly hit by a total of 732 shells as BiH President Izetbegović demanded that the UN Security Council stop the shelling of the city. On 7 January the city was reportedly hit by a total of 906 shells. This continued bombardment prompted the UN Security Council to condemn the bombardment of the city.

K. The blockade of humanitarian aid

207. The blockade of humanitarian aid has been used as an important tool in the siege. Such interference with humanitarian aid which endangers the lives and well being of civilians is a war crime. Four hundred and 30 thousand people are estimated to be dependent on food aid in Sarajevo and its surrounding areas.[102] Not only has the blockade of aid contributed to the demoralization of the civilian population, but it has adversely affected its physical health.[103] A shortage of food has led to a malnutrition rate described by UNHCR as being on par with that of the poorer developing nations. A shortage of fuel has resulted in the shutdown of the city's bakery, the water pumping station and other essential services. In addition, hospitals have been without power and have had to function without lights, x-ray machines, monitors, or proper anesthetics.

208. Unlike other enclaves in BiH which depend on overland convoys, the international humanitarian airlift into Sarajevo's United Nations controlled airport has helped to bring most supplies into the city. On 12 October 1994, the UNHCR announced that the Sarajevo airlift was in its 467th day, overtaking the 462 days of the Berlin airlift between June 1948 and September 1949.[104] On 18 January 1994, UN officials reported that 7,272 flights had brought in 81,948 tons of aid into Sarajevo via the humanitarian airlift. However, due to airport closings and airlift suspensions caused by shelling and sniping attacks in the area, this effort is often suspended.[105]

209. The chronology documents the fact that the airport area has been one of the most often shelled areas of the city.[106] This activity suggests a possible correlation between the high level of shelling in the airport area and an intent to blockade humanitarian aid.[107] It can be argued that while the besieging forces are blockading overland humanitarian aid throughout BiH, they are accomplishing the same result in Sarajevo by shelling the airport area, forcing the suspension of the humanitarian airlift.

210. Over land, the city is surrounded by BSA forces and entry requires passing through numerous BSA checkpoints. The besieging forces have continued to use aid as a weapon in the siege. During late November 1993, the commanders on the Bosnian-Serb border reportedly delayed trucks carrying winter supplies to Sarajevo such as plastic sheeting and shoes in defiance of an aid-delivery accord signed at the beginning of the month. On 25 December 1993 a convoy carrying beans, mattresses and 60 tons of diesel fuel arrived in the city. However, the United Nations reported that the trucks were initially held up by BSA forces who tried to divert the convoy onto an impassable route.

L. The use of utilities as a weapon of war

211. Throughout the siege, the destruction of electric, gas, phone line and water facilities has been used as a weapon against the inhabitants of the city. Both the defenders and the besiegers have often accused each other of using these utilities as weapons of war. UN and local attempts to repair damaged lines and pumping stations have often been rebuffed with shell and sniper fire, resulting in numerous deaths and injuries. For example, it had

been reported that by March 1993, 18 of the city's water repair technicians had been killed while trying to repair damaged pipes.

212. The city's drinking water depends on power to the main pumping station. Power lines have frequently been cut by fighting or by forces using the utilities as weapons against civilians. The besieging forces have on several occasions reportedly turned off the city's main water supply and have refused to permit work crews to repair and replenish necessary water purification systems. The water cut-off has led to long queues outside water sources in the city. These long lines have attracted sniper and shellfire from the besieging forces on several occasions and have resulted in the deaths of many civilians. Civilians are also vulnerable to sniper fire as they are forced to carry containers filled with water obtained from the few remaining water sources. These heavy containers are frequently carried for miles by hand, or carted on bicycles, baby carriages and shopping carts.

213. Winter conditions put the city's residents in danger of starving or freezing to death. Because of a shortage of heating fuel, many of the city's trees have been cut down and used as firewood.[108] Residents have also been forced to burn books, furniture and any other materials gathered burn to provide themselves with heat.

M. Concluding observations

214. On 5 February 1994, at least 68 persons were killed and 200 others were wounded in the shelling of a market in the Sarajevo city centre.[109] In reaction to that attack, NATO issued an ultimatum on 9 February giving BSA forces 10 days, beginning on 11 February, to withdraw their heavy weapons from a designated exclusion zone or face heavy airstrikes. Very little progress was made until 17 February when Russia announced that it was sending a contingent of 400 troops to the city and persuaded BSA forces to comply with the NATO ultimatum. On 20 February, NATO declared that there had been virtual compliance with its ultimatum and that there was no need for airstrikes at that stage.[110] Since that date, artillery fire has substantially decreased in Sarajevo.[111]

215. Based on the events reported over the course of the siege, any military personnel who has engaged in unlawful sniping or shelling activity is individually responsible if he knew that such acts would cause the death or injury of innocent civilians, the destruction of protected targets, or the destruction of public and civilian property which had no apparent military purpose and for which there was no valid military necessity.

216. On the basis of the conduct observed from April 1992 to February 1994, it is apparent that the Sarajevo Romanija Corps of the BSA and its commanders are responsible for a great deal of the widespread destruction in Sarajevo. It is also apparent that the command structure knew, or should have known, that they were attacking civilian targets. The Sarajevo Romanija Corps of the BSA has surrounded the city since the beginning of the siege. Given the magnitude of the shelling over the course of the siege, the logistics required to re-arm the besieging forces, and the continuous attacks on civilian targets, the commanders of the Sarajevo Romanija Corps should be held accountable for the extensive destruction to private and public property, and for the resulting loss of civilian lives.

ANNEX VI.A - INCIDENT STUDY REPORT REGARDING MORTAR SHELLING DOBRINJA, SARAJEVO ON 1 JUNE 1993: INVESTIGATION

217. Annex VI.A also concerns Sarajevo. It is a six page report prepared by Commissioner Fenrick and a team of Canadian military lawyers. The Commission decided to conduct an investigation of a specific incident in the siege of Sarajevo to determine the feasibility of identifying and prosecuting alleged perpetrators. The Commission asked Commissioner Fenrick, the Rapporteur for On-Site Investigations, and a team of Canadian military lawyers to conduct the investigation. They chose to investigate the mortar shelling of a soccer game in Dobrinja, a suburb of Sarajevo, which occurred on 1 June 1993.[112] The investigation team interviewed many Bosnian witnesses, but was unable to interview Serbian witnesses. Additionally, the team reviewed an analysis, prepared by UNPROFOR, of the mortar craters resulting from the shells. Based upon the information gathered, the team wrote an eight page report.

ANNEX VI.B - THE BATTLE OF SARAJEVO AND THE LAW OF ARMED CONFLICT

218. Annex VI.B is a 37 page study of the battle of Sarajevo and the law of armed conflict. The study was prepared by Commissioner Fenrick and a Canadian military lawyer from the Canadian War Crimes Investigation Team.[113] The study addresses the issues of armed conflict and misconduct on the part of the military during the siege of Sarajevo. The objective of the study was to impute command responsibility for violations of the laws of war by preparing an analytical survey of the battle and all violations committed.

ANNEX VII - THE MEDAK INVESTIGATION

219. Annex VII is a 16 page report on the Medak Pocket Operation which occurred in early September 1993. [114] Croatian forces entered and attacked the area of small, rural villages known as the Medak Pocket.[115] However, when the forces agreed to relinquish the territory, they allegedly destroyed and burned everything before they left. UNPROFOR troops arrived at the end of the retreat and were able to collect a significant amount of evidence. Based on several witness interviews conducted by the investigation team and the UNPROFOR reports, the team produced the Annex.

ANNEX VIII - PRISON CAMPS

220. Annex VIII was prepared by staff members of IHRLI, under the direction of Chairman Bassiouni and consists of 880 pages of text.

I. INTRODUCTION

221. This report on detention facilities, attempts to identify and provide relevant information concerning all alleged detention facilities (camps) within the territory of the former Yugoslavia. This study is not designed to classify detention sites based on their prosecutorial potential, but is intended to provide a description and analysis of the detention facilities reported to have existed.

222. The report is divided into two sections. The first section is the summary and analysis. The summary and analysis discusses the methodology of the report and provides the total number of reported detention facilities in the territory of the former Yugoslavia. The total number of detention facilities is also broken down by geographic region. In addition, the summary

and analysis discusses patterns, trends and commonalities which have manifested themselves in the various reports of detention facilities.

223. The analysis by geographic location in Section II, divides detention facilities by their location, i.e, whether they were located in Bosnia and Herzegovina (BiH), Croatia, the Federal Republic of Yugoslavia (FRY), or Slovenia. Within those locations, it further breaks down reported facilities by the county or region in which they were located. The 1991 population and ethnic distribution figures are also provided for each county or region, as well as other background information.

II. SUMMARY AND ANALYSIS

A. Methodology

224. To analyse the contents of the database for this report, all documents in IHRLI documentation centre were first reviewed to identify those reports containing allegations of detention facilities within the territory of the former Yugoslavia. After initial review, the documents were organized geographically by county or region and then analysed. Relevant information pertaining to alleged detention facilities was then gleaned, and individual geographic reports were thereafter prepared, containing information, wherever available, identifying: 1) the name, location, dates of operation, and physical description of alleged detention facilities; 2) information concerning command and control, including the identities and ethnicity of commanders and guards, and any other groups or individuals reported to be involved in the camp operation; 3) information pertaining to prisoners, including their ethnicity, civilian or military status, subsequent transfers, and total reported prisoner population; 4) the treatment of prisoners, including, maltreatment or good treatment, food, hygiene, toilet and medical facilities, sleeping accommodations, and other conditions.

225. The main criterion for determining whether a site would be deemed a detention facility for purposes of this report, depended mainly upon whether persons were alleged to have been held against their will, and whether the detention site appeared to have been established as a result of the armed conflict between the warring factions identified.

226. In some instances, the existence of certain detention facilities were well documented and independent sources corroborated reports of those alleged facilities. In other instances, only uncorroborated claims or corroborated reports by non-neutral sources were received. Those claims were included in the report and are indicated as such.

227. It is significant to note that a wide variety of sources were utilized in this report. It should also be noted that the Commission had no basis to confirm the information contained in that source material. To make a qualitative assessment of the information contained in this report, efforts were therefore made to confirm or corroborate allegations of camps wherever possible. To this effect, it is indicated in each camp report whether: 1) the existence of the detention facility was corroborated by multiple neutral sources; 2) the existence of the detention facility had been corroborated by a neutral source; 3) whether the existence of the detention facility had been corroborated by multiple sources, none of which were neutral; or 4) whether the existence of the detention facility had not been corroborated by multiple sources.

B. Observations

228. Since the armed conflict in Slovenia in June 1991, the warring factions have operated a variety of detention facilities (camps). It appears that as the situation in the former Yugoslavia disintegrated and war erupted, detention facilities came into existence in increasing numbers. A large number of camps came into existence in Croatia after the beginning of hostilities in September 1991. The greatest number of camps came into existence in BiH in the period after April 1992. It appears that many of the camps appearing in this report are now closed.

229. The reports reviewed allege a total of 960 reported places of detention in the territory of the former Yugoslavia. Of those 960 alleged places of detention, 466 (48.5 per cent) were reportedly operated by Bosnian Serbs or forces of FRY; 121 (12.6 per cent) by Bosnian Croats or the Government of Croatia and the Croatian Army; 84 (8.8 per cent) by the Government and Army of BiH or Bosnian Muslims; 32 (3.3 per cent) jointly by Bosnian Muslims and Bosnian Croats; 9 (.9 per cent) as private prisons, individuals or groups; 4 (.4 per cent) by the Government or armed forces of Slovenia; and 244 (25.4 per cent) by unidentified forces.

230. As the above statistics and following discussion indicate, the number of camps and reported violations in camps controlled by the Government of BiH and its army are the fewest among the warring factions, irrespective of the ethnic or religious background of the detainees held. The number of reported violations by the Croatian Government, the Croatian Army, and the Croatian Defence Council is larger, particularly against Serbs in Krajina and in eastern and western Slavonia and against Muslims from BiH in Herzegovina. The period of time during which those camps were operated in each of these contexts is relatively limited. The two warring factions identified above are, however, reported to have committed far fewer numbers of violations than those committed by the Serb forces and those working on their behalf, whether in Croatia or BiH. Camps operated by Serbs in BiH are by far where the largest numbers of detainees have been held and where the harshest and largest number of violations occurred.

231. The information concerning the number of prisoners includes a wide range of estimates. It appears that none of the detaining powers involved in the conflict made a concerted effort to identify and maintain records of the number of individuals they detained. If they have done so, such information was not made available.

232. The camps reported range in size from small detention and screening centres that temporarily housed a few prisoners, to camps that housed large numbers of prisoners. The duration of their operation varied from days to months. The vast majority of places used to detain prisoners were pre-existing structures, such as penitentiaries, municipal buildings, administrative offices, schools, sports arenas, factories, warehouses, mines, farms and private homes, hotels, restaurants, and apartments. In a very few examples, camps were reported to have been newly constructed for the purpose of detaining prisoners.

233. Due to a lack of information, it was generally very difficult to determine the command and control in the camps. The information, when available, was usually limited to individual camps at a very immediate and local level. The extent to which superior or central authorities had control in the operation of camps was usually unknown.

234. Some reports describe a situation whereby camps were maintained and operated by a mix of military personnel, former army officers and soldiers,

various paramilitaries, local volunteers, members of civilian police forces, or politicians. There were also many reports of situations where there was movement in and out of camps by visitors, including local civilians, paramilitary forces, and the army, who perpetrated abuses upon the prison population.

235. Most detainees appeared not to be prisoners of war, but, rather, civilians. POWs and civilian prisoners were detained together, and prisoners from the conflict were sometimes mixed in with the common criminal population of a penitentiary. Often, civilians were arrested and detained for the purpose of collecting prisoners for exchange.

236. There is little to suggest a legitimate purpose for the internment of so many non-combatant civilians by the various authorities and forces concerned. There is much to suggest that such internment was wholly illegitimate and intended to serve the geopolitical and military objectives of the detaining powers.

237. The parties to the conflict acknowledged and agreed on a number of occasions to the valid effect of those aspects of international humanitarian law relating to the treatment of prisoners of war, civilians and others detained by the parties to the conflict.

238. Under the law of armed conflict, prisoners of war are considered to be in the hands of the detaining power. The detaining power, therefore, is responsible for the treatment given prisoners of war irrespective of the individual responsibilities that may exist. The same holds true for the treatment of civilians detained.

239. It appears that little or no effort was made by any of the detaining powers to provide the judicial or administrative bodies required by law to identify, record, and determine the status of prisoners of war and internees.

240. Parties to the conflict appear to have considered the detention of those thought to be potentially capable of fighting as a legitimate activity. There are many instances of detention apparently based upon the suspicion of hostile activity against the detaining power.

241. Prisoners were commonly subjected to the most inhumane treatment imaginable. Mass executions, torture, rape, and other sexual assaults were frequently reported. Those in control of the apprehension and detention of prisoners were often reported to have stolen prisoner belongings. Guards and soldiers frequently humiliated those detained. Sometimes prisoners were placed in dangerous situations and used in military operations, such as mine clearing. There were also reports of reprisal killings carried out upon innocents detained in a number of camps.

242. The ethno-religious aspects of the conflict appear to have translated directly into prisoners suffering actively adverse distinctions based on nationality, religious belief, and political opinions.

243. The patterns and violations in the camps appear to differ to some extent, depending on the controlling authority, the purpose of the camp, and the camp commander.

244. The conditions in most camps were generally described as very poor. The camps commonly lacked sufficient heat, light, food, and water. Lack of hygiene was pervasive. Little or no medical attention was prevalent and a total lack of security for the prisoners was apparent. In fact, it was reported that those in control of camps often allowed drunk soldiers and

others access to abuse the prison population.

245. Wounded and sick prisoners were often maltreated and/or left to suffer, although many wounded and sick prisoners were treated to some extent.

246. The following section of this summary and analysis is divided by location, and contains various observations relating to certain patterns and commonalities in the detention facilities reported. For a more detailed breakdown of individual regions and camps, see Section II below, which contains a geographical listing and full analyses of the individual detention facilities reported.

C. Camps reported in BiH

247. The reports reviewed alleged a total of 677 camps within BiH. Among those camps, 333 (49.2 per cent) were alleged to have been controlled by Bosnian Serbs; 83 (12.2 per cent) by Bosnian Muslims; 51 (7.5 per cent), by Croats; 31 (4.6 per cent) by both Croats and Muslims; 5 (.7 per cent), by private parties; and 174 (25.7 per cent) by unidentified forces.

1. Bosnian Serb controlled camps

248. The reports indicate that Bosnian Serbs operated numerous camps where grave breaches of the Geneva Conventions and other violations of international humanitarian law, including killing, torture, and rape occurred on a large scale. Those camps were mostly in BiH and predominantly held Bosnian Muslims, but also Bosnian Croats and a small number of Serbs.

249. The reports indicate that Bosnian Serbs used camps in BiH to facilitate territorial and political control of geographic regions and to expel and eliminate other ethnic and religious populations from that area. In essence, the Bosnian Serb forces, including former Yugoslav National Army (JNA) officers and soldiers, paramilitary units, police forces, civilians, and the political leadership of the Serbs of BiH, apparently with a significant degree of participation by and cooperation with the Serbs and Montenegrins of FRY, incorporated and exploited the detention of civilians as an integral aspect of their campaign of "ethnic cleansing". While armed, uniformed soldiers of the forces opposed to the Serbs were incarcerated in significant numbers, the vast majority of those imprisoned by Serbs in BiH appear to have been civilians.

250. Groups of camps appear to have been established and operated in clusters in various geographical areas and were frequently part of a network. Prisoners were frequently moved from one facility to another. Different facilities often appeared to have separate purposes, such as mass killing, torture, rape, and exchange of and detention of civilian prisoners.

251. The Bosnian Serb implementation of practically identical strategies and tactics for the conquest of territories and subsequent detention of non-Serb populations suggest an overall plan devised prior to the conflict and carried out locally. There seems to be a similarity in the structure of camps which might suggest a degree of pre-planning before the war was started. The notion of clusters of camps, triage camps, distribution camps, older persons and women and children held in established minimum security facilities, and men of fighting age held in established maximum security facilities, suggests such a plan. The similarities of the allegations of camp usage also strongly suggests that a plan did exist and was carried out across the board geographically. Reports suggest a common method of initial apprehension and identification of those non-Serbs detained for ultimate disposition (either

long-term detention, deportation, or execution). A common plan is also suggested by the implementation of a system whereby prisoners were detained, classified, and subjected to similar types of abuse (e.g., it was often reported that intellectuals, politicians, police, and the wealthy were regularly tortured and killed in certain camps). There is also a similarity in the command and control of the camps, whereby there was a mix of civilian, political, JNA, paramilitary, and local Serb reservists and civilians involved in camp operations. With regard to practical aspects of camp operation, large suitable facilities appear to have been selected and prepared, to some extent, in advance. Whether a plan was established by the military, police, or politicians, is something that could not be ascertained.

252. The method by which the campaign of "ethnic cleansing" was carried out ensured that, comparatively, the most brutal and inhumane treatment of those detained occurred within the geographic arc following the Sava and Drina Rivers of the former Yugoslavia. See examples, camps in Prijedor, Višegrad, Zvornik, Brčko and Foča, and Bijeljina. For, it is within this region of BiH that the Serbs required absolute control in order to establish a separate nation with contiguous borders and an uncompromised geographic link with Serbia and Montenegro. That control required the subjugation, if not the disappearance of the non-Serb populations of the area. In large part, that subjugation and elimination was accomplished by wholesale detention of those populations in various places of detention.

253. Commonly, Serb forces reduced the opposition of a county area and upon conquest of the territory of that BiH county (opština) immediately began to round up the non-Serb population. It sometimes occurred that the entire population of a town or village was gathered together so that the Serb and non-Serb populations could be separated and dealt with accordingly. During the rounding-up process, members of the population were frequently tortured, raped, and killed. Sometimes, the local population would be interned in different locations. Other times, after an initial round of apprehension, non-Serbs would be released and weeks later re-apprehended and placed in various camps to be either killed or moved out of the area.

254. Frequently, the religious, political, civic, professional, and business leaders of the non-Serb population were immediately identified for detention and for the worst abuses. Often on the captors' side, local civil servants, political leaders, and particularly the police, participated or were involved in the rounding-up process. Prisoners were also often forced to surrender their money and valuables to their captors.

255. It was often reported that men between the ages of 18 and 60 were separated from women, children, and elderly men. Apparently, men between the ages of 18 (or younger) and 60 were considered to be of fighting age, constituting a class of quasi-prisoners of war or perhaps legitimate internees because of their potential for hostility. However, rarely did reports include any information to suggest that those considered capable of fighting had ever actually committed hostile acts or had organized to do so. In fact, many Muslim villagers simply surrendered the weapons they had upon an initial demand by the Serb forces in the region. After that surrender, the villagers were in many cases detained. The reports indicate that in many instances, men between the ages of 18 and 60, were ultimately transferred to heavily guarded larger camps where killings or torture were prevalent.

256. A large number of Bosnian Serb places of detention appear to have been used as short term detention facilities before transfer or transport of prisoners out of the area.

257. Smaller camps, in many cases, housed prisoners temporarily until the

captors divided the prisoners into groups and transported them to the larger camps. The prisoners were often packed into buses, trains, and lorries, and were subjected to physical and mental abuse. During transport, and upon arrival at their new camps, prisoners were also reported to have been killed at random and denied food, water, and access to toilet facilities. The prisoners were on occasion transported by automobile to camps by locals, or were marched under armed guard.

258. Detainees were sometimes transported from camps within a given region to camps in another region because of overcrowding, anticipated International Committee of the Red Cross (ICRC) inspections, visits by the media, exchange of prisoners, and as a result of triage for unlawful purposes.

259. Very few camps appear to have been actually constructed for the purpose of detaining captured prisoners or interning the civilian population. The vast majority of the sites used for detention were pre-existing facilities. Some of those facilities were modified in order to create more secure camps. For example, electric and barbed-wire fences were sometimes reported to have been installed around a number of buildings.

260. Bosnian Serbs were also reported to have maintained Muslim "ghettos" in certain towns and sometimes used villages as camps to detain a large group of captives. See examples, Trnopolje camp in Prijedor, Es Naselje in Brčko, and Brezovo Polje in Brčko.

261. There is little to suggest that captured uniformed combatants were treated with the respect required by the law of armed conflict. Those prisoners who had in fact committed hostile acts against the Serbs were frequently punished. The punishments included severe mental and physical abuse and often execution.

262. Those women and children detained were also subjected to the worst kinds of abuse, including rape and other sexual assaults.[116] There are reports of many detention facilities in existence for the sole purpose of holding women and girls for rape and sexual entertainment. There are also numerous allegations of rape at camps wherever women and girls were held. Captors reportedly raped female prisoners in front of other prisoners. Those who resisted, were often reportedly killed or otherwise brutalized, often in the presence of others. There were also reports of the sexual abuse of men, as well as castration and mutilation of sex organs.

263. Elderly persons detained often suffered the same level of abuse as the others. This indicates that the captors spared no group from detention and maltreatment.

264. There were reports that certain individuals were spared detention and abuse, because of the intervention of influential Serbs in the area or because they were somehow able to bribe their way out of detention. There were also instances of local Serbs risking their own lives to help Muslims and Croats escape detention in various Serb camps in BiH.

265. There were also reports of Serbs who were detained in Serb-controlled facilities. In those cases, the prisoners had usually refused to participate in the conquest of a region or in the activities of "ethnic cleansing". Those imprisoned Serbs were treated as poorly as the other prisoners.

266. A large number of the Bosnian Serb-controlled camps appear to have served as screening stations for the purposes of interrogation and decisions as to how individual prisoners would be disposed of. Interrogation almost always consisted of questions relating to military and strategic information

(including the location and possession of weapons), political affiliation, and political belief. Captors also interrogated detainees concerning the personal wealth and family connections of other detainees. Interrogations were commonly accompanied by brutal conduct and humiliation and, in some cases, by torture and killing. Confessions were often forcibly extracted from prisoners and used as a reason for their detention and treatment. The forced confessions on many occasions described some sort of offence or hostile act.

267. Reports indicate that upon arrival at the larger camps, prisoners were regularly subjected to random beatings. Reprisals appear to have been carried out against the prisoner population for Bosnian Serb setbacks in battle. Such reprisal activities included beatings, severe torture and killings. Apparently, one motivation for the punishment of inmates was retribution for supposed Serb casualties suffered in battle.

268. The type and amount of torture, abuse and maltreatment visited upon the prisoners detained in Bosnian Serb camps was of a great magnitude. Not only were prisoners physically abused, but they were also commonly humiliated, degraded, and forced to abuse one another. In several instances, prisoners were reported to have been forced to inflict injury upon each other, sometimes as entertainment for the guards. Humiliation often involved behaviour contradictory to the prisoners' religious background. Prisoners were also subjected to mental abuse and humiliation, including barrages of ethnic slurs.

269. Several Bosnian Serb controlled camps served as places of mass and continuous killing and execution by various means. Such camps also maintained large populations of prisoners for considerable periods of time. Other camps housed large numbers of prisoners but were not the site of a great number of killings.

270. At the larger camps, prisoners were reported to have been killed on a daily basis. In some cases, their bodies were left to rot on the camp grounds, or were loaded by prisoners and hauled away by truck to various destinations. The bodies were also reportedly disposed of in mass graves abutting the camps and thrown into rivers, lakes, ravines, mine shafts and mining pits, and other local venues.[117] Bodies were also reported to have been incinerated or dismembered.

271. Prisoners who were targeted for torture or death at the larger camps often included prominent members of the community who were wealthy, educated or politically influential. Guards often were reported to have information identifying which prisoners fell into those categories.

272. The conditions in the places of detention were almost uniformly harsh. There was consistently a lack of food, insufficient access to toilets and beatings accompanying toilet-use, little drinkable water supply, an absence of soap and infrequent opportunities to bathe or change clothes, inadequate bedding, and often little protection from the natural elements.

273. Prisoners in some camps were reported to have suffered from dysentery and lice epidemics. Medical attention was, for the most part, non-existent at the camps. In some instances, inmates with medical training, treated fellow prisoners. However, due to an absence of supplies and facilities, such treatment was very primitive.

274. In the larger camps, male prisoners were often reported to be packed tightly into the detention facilities, so that they had no room to lie down or sit, or sometimes even to breathe. The prisoners were in many cases forced to urinate and defecate in containers and on the floors of the rooms in which they were accommodated.

275. Prisoners were often reported to have been subjected to abuse during meals, and, at best, were given one meal per day consisting of small portions of soup or bread. In some reported instances where food was delivered to a camp by the ICRC, the food was not distributed to prisoners, but was instead diverted to Bosnian Serb guards or forces.

276. There appears to have existed a certain degree of acknowledgement by Bosnian Serb authorities that camps were maintained. The camps appear to have been maintained and operated by a mix of former JNA officers and soldiers, Bosnian Serb Army personnel, various Serb paramilitaries, local volunteer Serbs, local impressed Serbs, members of the various Serb police forces and at least some Montenegrins. There also exists information that civilian Serb politicians were intimately involved with the operation of such places of detention.

277. Bosnian Serb authorities often expressed the belief that the above-described detention facilities were legitimate. The reasons stated included the necessity of protecting civilians from the dangers of combat, interning those who threatened the security of the detaining forces and detaining those responsible for criminal activity.

278. It is interesting to note that in at least one Serb-run camp, Batković, Bijeljina, the local Serb population was reported to have become aware of the situation inside the camp and demanded that the prisoners there be treated better. Conditions for the prisoners were reported to have subsequently improved.

2. BiH and Croat controlled camps

279. The BiH Government and Muslim forces and Bosnian Croat forces were also reported to have detained thousands of soldiers and civilians in BiH. At one point, because of an alliance between the two parties, they both imprisoned Serbs. A significant number of camps were reported to have been operated jointly by Croat and BiH forces. After that alliance disintegrated, both sides were reported to have imprisoned each others' soldiers captured in battle, and large numbers of civilians of their opponents' ethnicity.

280. There are indications that BiH forces and Bosnian Croats to some extent reacted to the method of warfare and "ethnic cleansing" initiated by Bosnian Serbs by taking up similar methods of warfare. This included the indiscriminate detention of civilians, rather than maintaining methods of behaviour required by the international law of armed conflict. There seemed to be elements of revenge for past imprisonment of Muslim and Croat civilians. Also, the idea existed, perhaps, that if one held a significant number of the "enemy" prisoner, the "enemy" would be more likely to treat its own prisoners well so as to avoid the impulse for reprisals by the other side.

281. Both BiH forces and Bosnian Croats are reported to have interned civilians for the purpose of exchange for members of their own forces and populations held by the other two parties to the conflict. There also seems to be rather isolated attempts at smaller scale "ethnic cleansing".

282. The BiH and Muslim forces were reported to have imprisoned a number of individuals who resisted military service. Some of those persons were tried and convicted of criminal offences, and others were sent to the front to dig trenches. The BiH authorities also arrested people for possession of weapons. In Kladanj, Serbs were said to be imprisoned for the purpose of protecting them against retaliation by the local Muslim population. In Zenica, the BiH captors reportedly established a tribunal to determine the status of those

imprisoned as either military or civilian.

283. The treatment of prisoners in Bosnian Muslim run camps was in some cases reported to be brutal and degrading. That treatment was often reported to include violent interrogations and beatings. Reports of forced same-sex sexual acts between prisoners also exist. Drunk guards were reported to have abused detainees, and civilians were allowed access into camps to beat and harass prisoners. Personal vendettas were also allowed to be consummated against prisoners of war. The killing of prisoners was not uncommon. There were also reports the Bosnian Muslim forces used prisoners as human shields.

284. There were reports of Bosnian Muslim-run brothels and rape camps. A number of reports also alleged the operation of private prisons controlled by various Bosnian Muslim forces or individuals. The BiH Government, in fact, acknowledged the existence of such Muslim private prisons and officially deplored them.

285. Reported conditions at most BiH and Muslim camps, were generally described as being no better than the vast majority of other places of detention in the former Yugoslavia.

286. In Bihac, BiH forces were reported to have imprisoned captured soldiers and supporters of leader Fikret Abdić. Likewise, the forces of Fikret Abdić reportedly maintained a camp to hold captured BiH forces and civilians deemed in opposition to Abdić's authority.

287. Bosnian Croat forces were also reported to have maintained camps in areas under their control imprisoning both Bosnian Muslims and Serbs. While there is at least one report of a "death camp" run by Bosnian Croats in Orašje, killing of prisoners, though not uncommon, was on a scale much lower than that apparently perpetrated by the Bosnian Serbs.

288. The Bosnian Croat camps were reported to have been maintained by both military and paramilitary forces. The forces of the Republic of Croatia and Bosnian Croat forces apparently cooperated in the detention and transfer of prisoners.

289. The Bosnian Croats were said to have apprehended a significant numbers of individuals to hold for the purpose of prisoner exchanges. Other prisoners were supposedly held to protect them from the dangers of combat. Men were also imprisoned who were considered to be of fighting age. In addition, there appeared to be some attempts to expel non-Croat populations from some areas, such as in Vitez. Some persons there were arrested for so-called security reasons and for possession of weapons.

290. In at least one site, the Central Mostar Prison, it was reported that Croats divided their prisoners into five categories: Serb combatants; enemy collaborators; prisoners held for purposes of exchange; civilians accused of common crimes; and Croatian soldiers serving time for disciplinary infractions.

291. Bosnian Croat captors reportedly maltreated a significant portion of those detained. Allegations of beatings, rape, and theft of prisoners' personal belongings were rather common. The prisoners were also reported to have been used as human shields. The litany of abuses perpetrated in those camps was much like the abuses perpetrated in the other camps in the former Yugoslavia.

3. Reported camps by location

292. Of the reports of 677 camps alleged in BiH, 381 were corroborated (i.e., reported by a neutral source or multiple neutral sources) and 296 were uncorroborated (i.e., reported either by multiple non-neutral sources, or not corroborated by a neutral source). The following is a numerical breakdown of the camps reported to have existed in BiH:

293. **Banja Luka**: Total camps: 9

Run by:	Serbs:	Corroborated: 7	Uncorroborated: 2

294. **Bihač**: Total camps: 14

Run by:	Serbs:	Corroborated: 2	Uncorroborated: 2
	Muslims:	Corroborated: 4	Uncorroborated: 1
	Unknown:	Corroborated: 5	Uncorroborated:

295. **Bijeljina**: Total camps: 12

Run by:	Serbs:	Corroborated: 7	Uncorroborated: 1
	Muslims:	Corroborated: 1	Uncorroborated:
	Unknown:	Corroborated: 2	Uncorroborated: 1

296. **Bileća**: Total camps: 9

Run by:	Serbs:	Corroborated: 6	Uncorroborated: 2
	Unknown:	Corroborated: 1	Uncorroborated:

297. **Bosanska Dubica**: Total camps: 4

Run by:	Serbs:	Corroborated:	Uncorroborated: 4

298. **Bosanska Gradiška**: Total camps: 6

Run by:	Serbs:	Corroborated: 5	Uncorroborated:
	Unknown:	Corroborated: 1	Uncorroborated:

299. **Bosanska Krupa**: Total camps: 7

Run by:	Serbs:	Corroborated: 1	Uncorroborated: 5
	Unknown:	Corroborated: 1	Uncorroborated:

300. **Bosanski Brod**: Total camps: 8

Run by:	Serbs:	Corroborated:	Uncorroborated: 1
	Croats:	Corroborated: 1	Uncorroborated: 2
	Unknown:	Corroborated: 3	Uncorroborated: 1

301. **Bosanski Novi**: Total camps: 7

Run by:	Serbs:	Corroborated: 5	Uncorroborated: 1
	Croats:	Corroborated:	Uncorroborated: 1

302. **Bosanski Petrovac**: Total camps: 1

Run by:	Serbs:	Corroborated: 1	Uncorroborated:

303. **Bosanski Šamac**: Total camps: 6

Run by:	Serbs:	Corroborated: 4	Uncorroborated: 1
	Unknown:	Corroborated: 1	Uncorroborated:

304. **Bratunac**: Total camps: 3

Run by:	Serbs:	Corroborated: 2	Uncorroborated:
	Unknown:	Corroborated: 1	Uncorroborated:

305. **Brčko**: Total camps: 34

Run by:	Serbs:	Corroborated: 26	Uncorroborated: 4
	Unknown:	Corroborated: 2	Uncorroborated: 2

306. **Breza**: Total camps: 4

Run by:	Muslims:	Corroborated:	Uncorroborated: 1
	Unknown:	Corroborated: 3	Uncorroborated:

307. **Bugojno**: Total camps: 12

Run by:	Muslims:	Corroborated: 3	Uncorroborated: 1
	Croats/Muslims:	Corroborated: 1	Uncorroborated: 2
	Unknown:	Corroborated: 2	Uncorroborated: 3

308. **Busovača**: Total camps: 1

Run by:	Croats:	Corroborated: 1	Uncorroborated:

309. **Čajniče**: Total camps: 4

Run by:	Serbs:	Corroborated: 3	Uncorroborated: 1

310. **Čapljina**: Total camps: 6

Run by:	Croats:	Corroborated: 3	Uncorroborated: 1
	Unknown:	Corroborated: 1	Uncorroborated: 1

311. **Cazin**: Total camps: 3

Run by:	Muslims:	Corroborated: 1	Uncorroborated:
	Unknown:	Corroborated: 2	Uncorroborated:

312. **Čelinac**: Total camps: 4

Run by:	Serbs:	Corroborated: 3	Uncorroborated: 1

313. **Čitluk**: Total camps: 2

Run by:	Muslims:	Corroborated:	Uncorroborated: 1
	Unknown:	Corroborated:	Uncorroborated: 1

314. **Derventa**: Total camps: 4

Run by:	Serbs:	Corroborated: 2	Uncorroborated: 2

315. **Doboj**: Total camps: 13

Run by: Serbs: Corroborated: 8 Uncorroborated: 1
Unknown: Corroborated: 4 Uncorroborated:

316. **Donji Vakuf**: Total camps: 5

Run by: Serbs: Corroborated: 3 Uncorroborated: 1
Unknown: Corroborated: Uncorroborated: 1

317. **Foča**: Total camps: 15

Run by: Serbs: Corroborated: 7 Uncorroborated: 5
Unknown: Corroborated: 1 Uncorroborated: 2

318. **Fojnica**: Total camps: 2

Run by: Unknown: Corroborated: 1 Uncorroborated: 1

319. **Gacko**: Total camps: 15

Run by: Serbs: Corroborated: 10 Uncorroborated: 3
Unknown: Corroborated: 2 Uncorroborated:

320. **Glamoč**: Total camps: 1

Run by: Serbs/
Montenegrins: Corroborated: Uncorroborated: 1

321. **Goražde**: Total camps: 3

Run by: Muslims: Corroborated: Uncorroborated: 3

322. **Gornji Vakuf**: Total camps: 2

Run by: Unknown: Corroborated: 2 Uncorroborated:

323. **Gradačac**: Total camps: 4

Run by: Croats: Corroborated: 1 Uncorroborated: 3

324. **Grude**: Total camps: 2

Run by: Croats/
Muslims: Corroborated: 1 Uncorroborated:
Unknown: Corroborated: 1 Uncorroborated:

325. **Han Pijesak**: Total camps: 1

Run by: Unknown: Corroborated: 1 Uncorroborated:

326. **Jablanica**: Total camps: 5

Run by: Muslims: Corroborated: 2 Uncorroborated: 1
Unknown: Corroborated: 2 Uncorroborated:

327. **Jajce**: Total camps: 1

Run by: Muslims: Corroborated: Uncorroborated: 1

328. **Kakanj**: Total camps: 3

Run by: Muslims: Corroborated: Uncorroborated: 1
Unknown: Corroborated: 2 Uncorroborated:

329. **Kalesija**: Total camps: 5

Run by: Serbs: Corroborated: 1 Uncorroborated: 2
Muslims: Corroborated: 1 Uncorroborated:
Unknown: Corroborated: Uncorroborated: 1

330. **Kalinovik**: Total camps: 5

Run by: Serbs: Corroborated: 2 Uncorroborated: 2
Unknown: Corroborated: Uncorroborated: 1

331. **Kiseljak**: Total camps: 7

Run by: Croats: Corroborated: 1 Uncorroborated: 1
Unknown: Corroborated: 4 Uncorroborated: 1

332. **Kladanj**: Total camps: 1

Run by: Croats/Muslims: Corroborated: Uncorroborated: 1

333. **Ključ**: Total camps: 4

Run by: Serbs: Corroborated: 3 Uncorroborated: 1

334. **Konjic**: Total camps: 29

Run by: Muslims: Corroborated: 6 Uncorroborated: 5
Croats/Muslims: Corroborated: 4 Uncorroborated: 12
Unknown: Corroborated: Uncorroborated: 2

335. **Kotor Varoš**: Total camps: 9

Run by: Serbs: Corroborated: 2 Uncorroborated: 7

336. **Kreševo**: Total camps: 3

Run by: Unknown: Corroborated: 3 Uncorroborated:

337. **Kupres**: Total camps: 1

Run by: Unknown: Corroborated: Uncorroborated: 1

338. **Laktaši**: Total camps: 2

Run by: Serbs: Corroborated: Uncorroborated: 1
Unknown: Corroborated: Uncorroborated: 1

339. **Lištica**: Total camps: 1

Run by: Croats/Muslims: Corroborated: 1 Uncorroborated:

340. **Livno**: Total camps: 10

Run by: Muslims: Corroborated: Uncorroborated: 1
Croats: Corroborated: 3 Uncorroborated:
Unknown: Corroborated: 3 Uncorroborated: 3

341. **Ljubinje**: Total camps: 1

Run by: Serbs: Corroborated: 1 Uncorroborated:

342. **Ljubuški**: Total camps: 3

Run by: Muslims: Corroborated: Uncorroborated: 1
Croats: Corroborated: 1 Uncorroborated: 1

343. **Lopare**: Total camps: 1

Run by: Serbs: Corroborated: 1 Uncorroborated:

344. **Lukavac**: Total camps: 1

Run by: Unknown: Corroborated: Uncorroborated: 1

345. **Maglaj**: Total camps: 1

Run by: Croats: Corroborated: Uncorroborated: 1

346. **Modriča**: Total camps: 3

Run by: Serbs: Corroborated: 1 Uncorroborated: 2

347. **Mostar**: Total Camps: 15

Run by: Serbs: Corroborated: 2 Uncorroborated:
Muslims: Corroborated: 2 Uncorroborated: 1
Croats: Corroborated: 5 Uncorroborated: 1
Unknown: Corroborated: 1 Uncorroborated: 3

348. **Mrkonjić Grad**: Total Camps: 4

Run by: Serbs: Corroborated: 1 Uncorroborated: 2
Unknown: Corroborated: Uncorroborated: 1

349. **Nevesinje**: Total Camps: 2

Run by: Muslims: Corroborated: 1 Uncorroborated:
Unknown: Corroborated: Uncorroborated: 1

350. **Odžak**: Total Camps: 3

Run by: Croats: Corroborated: Uncorroborated: 2
Unknown: Corroborated: Uncorroborated: 1

351. **Olovo**: Total camps: 1

Run by: Serbs: Corroborated: 1 Uncorroborated:

352. **Orašje**: Total Camps: 3

Run by:	Muslims:	Corroborated:	Uncorroborated: 1
	Croats:	Corroborated: 1	Uncorroborated: 1

353. **Posusje**: Total Camps: 1

Run by:	Croats:	Corroborated:	Uncorroborated: 1

354. **Prijedor**: Total camps: 36

Run by:	Serbs:	Corroborated: 28	Uncorroborated: 8

355. **Prnjavor**: Total camps: 1

Run by:	Serbs:	Corroborated: 1	Uncorroborated:

356. **Prozor**: Total Camps: 7

Run by:	Croats:	Corroborated: 3	Uncorroborated: 3
	Unknown:	Corroborated: 1	Uncorroborated:

357. **Rogatica**: Total Camps: 12

Run by:	Serbs:	Corroborated: 3	Uncorroborated: 8
	Unknown:	Corroborated: 1	Uncorroborated:

358. **Rudo**: Total Camps: 3

Run by:	Serbs:	Corroborated: 1	Uncorroborated:
	Unknown:	Corroborated:	Uncorroborated: 2

359. **Sanski Most**: Total Camps: 10

Run by:	Serbs:	Corroborated: 8	Uncorroborated: 2

360. **Sarajevo**: Total Camps: 91

Run by:	Serbs:	Corroborated: 7	Uncorroborated: 20
	Muslims:	Corroborated: 11	Uncorroborated: 18
	Croats:	Corroborated: 1	Uncorroborated: 1
	Croats/ Muslims:	Corroborated:	Uncorroborated: 7
	Unknown:	Corroborated: 11	Uncorroborated: 13
	Private:	Corroborated:	Uncorroborated: 2

361. **Šekovići**: Total Camps: 4

Run by:	Serbs:	Corroborated:	Uncorroborated: 1
	Unknown:	Corroborated: 3	Uncorroborated:

362. **Šipovo**: Total Camps: 2

Run by:	Serbs:	Corroborated:	Uncorroborated: 2

363. **Skender Vakuf**: Total Camps: 1

Run by:	Serbs:	Corroborated: 1	Uncorroborated:

364. **Sokolac**: Total Camps: 8

Run by: Serbs: Corroborated: Uncorroborated: 3
Unknown: Corroborated: 1 Uncorroborated: 4

365. **Srebrenica**: Total Camps: 2

Run by: Serbs: Corroborated: 1 Uncorroborated:
Unknown: Corroborated: Uncorroborated: 1

366. **Stolac**: Total Camps: 4

Run by: Unknown: Corroborated: 1 Uncorroborated: 3

367. **Tešanj**: Total Camps: 4

Run by: Serbs: Corroborated: 1 Uncorroborated:
Muslims: Corroborated: Uncorroborated: 1
Unknown: Corroborated: 2 Uncorroborated:

368. **Teslić**: Total Camps: 7

Run by: Serbs: Corroborated: 2 Uncorroborated: 3
Unknown: Corroborated: Uncorroborated: 2

369. **Titov Drvar**: Total Camps: 6

Run by: Serbs: Corroborated: 3 Uncorroborated: 2
Unknown: Corroborated: 1 Uncorroborated:

370. **Tomislavgrad**: Total Camps: 9

Run by: Croats: Corroborated: 3 Uncorroborated: 2
Unknown: Corroborated: 3 Uncorroborated: 1

371. **Travnik**: Total Camps: 3

Run by: Unknown: Corroborated: 1 Uncorroborated: 2

372. **Trebinje**: Total Camps: 2

Run by: Serbs: Corroborated: 1 Uncorroborated:
Unknown: Corroborated: Uncorroborated: 1

373. **Tuzla**: Total Camps: 15

Run by: Muslims: Corroborated: Uncorroborated: 3
Croats/
Muslims: Corroborated: Uncorroborated: 1
Private: Corroborated: Uncorroborated: 1
Unknown: Corroborated: 5 Uncorroborated: 5

374. **Ugljevik**: Total Camps: 2

Run by: Serbs: Corroborated: Uncorroborated: 2

375. **Vareš**: Total Camps: 5

Run by:
Serbs: Corroborated: 1 Uncorroborated:
Croats: Corroborated: 2 Uncorroborated:
Unknown: Corroborated: 2 Uncorroborated:

376. **Velika Kladuša**: Total Camps: 1

Run by:
Muslims: Corroborated: 1 Uncorroborated:

377. **Višegrad**: Total Camps: 21

Run by:
Serbs: Corroborated: 2 Uncorroborated: 17
Private: Corroborated: Uncorroborated: 2

378. **Visoko**: Total Camps: 7

Run by:
Muslims: Corroborated: 2 Uncorroborated: 3
Unknown: Corroborated: 2 Uncorroborated:

379. **Vitez**: Total Camps: 8

Run by:
Muslims: Corroborated: 1 Uncorroborated:
Croats: Corroborated: 2 Uncorroborated:
Unknown: Corroborated: 5 Uncorroborated:

380. **Vlasenica**: Total Camps: 12

Run by:
Serbs: Corroborated: 4 Uncorroborated: 3
Muslims: Corroborated: Uncorroborated: 1
Unknown: Corroborated: 4 Uncorroborated:

381. **Zenica**: Total Camps: 16

Run by:
Muslims: Corroborated: 2 Uncorroborated:
Croats/
Muslims: Corroborated: Uncorroborated: 1
Unknown: Corroborated: 5 Uncorroborated: 8

382. **Žepče**: Total Camps: 2

Run by:
Croats: Corroborated: 2 Uncorroborated:

383. **Zvornik**: Total Camps: 28

Run by:
Serbs: Corroborated: 23 Uncorroborated: 3
Unknown: Corroborated: 2 Uncorroborated:

D. Camps reported in Croatia

384. The reports reviewed alleged a total of 201 camps within Croatia. Among those camps, 77 (38.3 per cent) were alleged to have been controlled by Bosnian Serbs; 70 (34.8 per cent) by Croats; 1 (.5 per cent) by Bosnian Muslims; 1 (.5 per cent) by both Croats and Muslims; 1 (.5 per cent) by Slovenians; 51 (25.4 per cent) by unidentified forces.

385. As armed conflict erupted between Croatians and Serbs in Croatia, the detention of combatants and civilians reached a large scale. Ultimately, at least several thousand Croatians and Serbs had been imprisoned in Croatia from

the end of 1991 to the present.

386. Most of the places of detention in Croatia were maintained by Croatians or Serbs. There are, however, a significant number of reported detention facilities where it was unclear who maintained control.

1. Croat controlled camps

387. The reports indicate that Croatian forces captured and detained both Serb combatants and Serb civilians. As the conflict progressed, it appears that the Croatians began to capture and detain Serb civilians for the purpose of later exchanging them for Croats held prisoner.

388. Some cooperation appeared evident between the Croats of the Republic of Croatia and the Croats of the Republic of BiH. At one point, at least, Bosnian Croat forces were apparently able to transfer prisoners from the Bosanski Brod and Odžak areas of BiH to Slavonski Brod in Croatia. Some of those prisoners were later transferred back to places of detention in the territory of BiH. Others were apparently transferred to places of detention elsewhere in Croatia.

389. The Croats appear to have used numerous sites to detain and interrogate Serbs for short periods of time and maintained only a few places for long term detention.

390. It was reported that the Croatian camps were often divided into three blocks. The first block consisted of former JNA members who surrendered without a struggle. The second block consisted of elderly persons and the third block was reported to have consisted of military police, volunteers, and individuals identified by the Croats as "Četniks".

391. In Pakrac, Croats were alleged to have maintained two "death camps" for the elimination of captured Serbs. This was the only allegation of Croats operating a place of detention for the purpose of large-scale execution. However, there were numerous allegations of Croatian mistreatment of prisoners in other places of detention, as well as numerous allegations of killings.

392. The reported maltreatment inflicted upon prisoners in Croat-controlled detention facilities consisted mainly of indiscriminate beatings, some rapes, public humiliation, and forced appearance on television. Electric shock and forced same-sex sexual acts were also alleged as common methods of torture and abuse.

393. Those who were reported to have controlled and maintained the Croatian places of detention were the Croatian armed forces, local police forces and some paramilitary groups.

394. Camp conditions were generally poor. However, in at least one instance at Gospić Prison, it was reported that Croatian captors attempted to improve conditions when notified of an ICRC visit.

2. Serb controlled camps

395. There were also Serb controlled places of detention in Croatia which were reported to have consisted mainly of pre-existing facilities. However, the Serbs apparently found it necessary to erect a few camps in order to effectively detain their captives. The Serb camps in Croatia held both civilians and prisoners of war.

396. Prior to the war in BiH, Serb captors in Croatia transferred some prisoners to the Manjača camp in Banja Luka, Bosnia. Later, after fighting started in BiH, Bosnian Muslims and Bosnian Croats were reported to have been held at Serb camps in Croatia.

397. Those reportedly responsible for the operation and maintenance of Serb-controlled camps in Croatia were a mixture of JNA officers and soldiers, SAO Krajina police forces, Serb Territorial Defence units and various paramilitary forces.

398. Maltreatment of prisoners was commonly attributed to the Serb controlled camps in Croatia. Camp commanders appear to have been well aware of the abuse that took place and often allowed Serb civilians and paramilitaries access to the prisoners in order to abuse them. In at least one case, Bosnian Serbs reportedly travelled to Knin, Croatia to participate in the abuse of Bosnian Croats and Muslims held there.

399. There are a number of reports that the guards in Serb camps consumed drugs and alcohol and in an intoxicated state subjected prisoners to different types of maltreatment.

400. As with other detaining powers, the Serbs in Croatia were reported to have attempted at times to deceive visitors interested in the condition of camps. For example, places of detention and the prisoners themselves were cleaned up before a visit and prisoners who appeared to be in satisfactory condition were shown off, whereas those who showed physical signs of maltreatment were hidden.

401. There were also reports of prisoners coerced to appear on Belgrade television to describe their supposed offences against Serbs.

3. Reported camps by location

402. Of the reports of 201 camps alleged in Croatia, 100 were corroborated (i.e., reported by a neutral source or multiple neutral sources) and 101 were uncorroborated (i.e., reported either by multiple non-neutral sources, or not corroborated by a neutral source). The following is a numerical breakdown of the camps reported to have existed in Croatia:

403. **Beli Manastir**: Total camps: 6

Run by:	Serbs:	Corroborated:	Uncorroborated: 1
	Unknown:	Corroborated: 4	Uncorroborated: 1

404. **Benkovac**: Total camps: 5

Run by:	Serbs:	Corroborated:	Uncorroborated: 5

405. **Bjelovar**: Total camps: 6

Run by:	Croats:	Corroborated: 3	Uncorroborated: 1
	Unknown:	Corroborated: 2	Uncorroborated:

406. **Daruvar**: Total camps: 8

Run by:	Serbs:	Corroborated:	Uncorroborated: 2
	Croats:	Corroborated:	Uncorroborated: 4
	Unknown:	Corroborated: 1	Uncorroborated: 1

407. **Djakovo**: Total camps: 2

Run by: Croats: Corroborated: 1 Uncorroborated:
Unknown: Corroborated: Uncorroborated: 1

408. **Drniš**: Total camps: 2

Run by: Serbs: Corroborated: 1 Uncorroborated:
Unknown: Corroborated: 1 Uncorroborated:

409. **Dubrovnik**: Total camps: 1

Run by: Unknown: Corroborated: 1 Uncorroborated:

410. **Dvor**: Total camps: 4

Run by: Serbs: Corroborated: Uncorroborated: 2
Unknown: Corroborated: Uncorroborated: 2

411. **Glina**: Total camps: 3

Run by: Serbs: Corroborated: 1 Uncorroborated:
Unknown: Corroborated: 2 Uncorroborated:

412. **Gospić**: Total camps: 5

Run by: Serbs: Corroborated: Uncorroborated: 1
Croats: Corroborated: 2 Uncorroborated: 2

413. **Gračac**: Total camps: 1

Run by: Serbs: Corroborated: Uncorroborated: 1

414. **Grubišno Polje**: Total camps: 1

Run by: Croats: Corroborated: Uncorroborated: 1

415. **Imotski**: Total camps: 1

Run by: Croats: Corroborated: 1 Uncorroborated:

416. **Ivanec**: Total camps: 1

Run by: Unknown: Corroborated: 1 Uncorroborated:

417. **Karlovac**: Total camps: 2

Run by: Croats: Corroborated: 2 Uncorroborated:

418. **Knin**: Total camps: 7

Run by: Serbs: Corroborated: 4 Uncorroborated: 3

419. **Korenica**: Total camps: 3

Run by: Serbs: Corroborated: 1 Uncorroborated: 1
Unknown: Corroborated: 1 Uncorroborated:

420. **Kostajnica**: Total camps: 2

Run by: Serbs: Corroborated: 1 Uncorroborated: 1

421. **Kutina**: Total camps: 1

Run by: Serbs: Corroborated: 1 Uncorroborated:

422. **Metković**: Total camps: 4

Run by: Croats: Corroborated: 1 Uncorroborated: 2
Unknown: Corroborated: 1 Uncorroborated:

423. **Našice**: Total camps: 1

Run by: Croats: Corroborated: Uncorroborated: 1

424. **Nova Gradiška**: Total camps: 4

Run by: Serbs: Corroborated: 1 Uncorroborated: 1
Croats: Corroborated: Uncorroborated: 1
Unknown: Corroborated: 1 Uncorroborated:

425. **Novska**: Total camps: 1

Run by: Croats: Corroborated: Uncorroborated: 1

426. **Ogulin**: Total camps: 3

Run by: Serbs: Corroborated: Uncorroborated: 2
Croats: Corroborated: Uncorroborated: 1

427. **Osijek**: Total camps: 14

Run by: Serbs: Corroborated: 2 Uncorroborated: 4
Croats: Corroborated: 2 Uncorroborated: 3
Unknown: Corroborated: 3 Uncorroborated:

428. **Otočac**: Total camps: 1

Run by: Unknown: Corroborated: 1 Uncorroborated:

429. **Pakrac**: Total camps: 7

Run by: Serbs: Corroborated: 1 Uncorroborated: 2
Croats: Corroborated: 1 Uncorroborated: 2
Slovenians: Corroborated: 1 Uncorroborated:

430. **Petrinja**: Total camps: 2

Run by: Serbs: Corroborated: 1 Uncorroborated:
Croats: Corroborated: Uncorroborated: 1

431. **Podravska Slatina**: Total camps: 2

Run by: Serbs: Corroborated: 1 Uncorroborated:
Croats: Corroborated: Uncorroborated: 1

432. **Pula**: Total camps: 1

Run by: Unknown: Corroborated: 1 Uncorroborated:

433. **Rijeka**: Total camps: 3

Run by: Croats: Corroborated: 2 Uncorroborated:
Unknown: Corroborated: 1 Uncorroborated:

434. **Šibenik**: Total camps: 7

Run by: Muslims: Corroborated: 1 Uncorroborated:
Croats: Corroborated: 2 Uncorroborated: 1
Unknown: Corroborated: 2 Uncorroborated: 1

435. **Sinj**: Total camps: 1

Run by: Unknown: Corroborated: 1 Uncorroborated:

436. **Sisak**: Total camps: 3

Run by: Croats: Corroborated: 3 Uncorroborated:

437. **Slavonska Požega**: Total camps: 5

Run by: Croats: Corroborated: 2 Uncorroborated: 2
Unknown: Corroborated: 1 Uncorroborated:

438. **Slavonski Brod**: Total camps: 7

Run by: Croats: Corroborated: 1 Uncorroborated: 2
Croats/Muslims: Corroborated: Uncorroborated: 1
Unknown: Corroborated: 3 Uncorroborated:

439. **Slunj**: Total camps: 3

Run by: Serbs: Corroborated: Uncorroborated: 1
Croats: Corroborated: 1 Uncorroborated:
Unknown: Corroborated: 1 Uncorroborated:

440. **Split**: Total camps: 4

Run by: Croats: Corroborated: 1 Uncorroborated:
Unknown: Corroborated: 3 Uncorroborated:

441. **Vinkovci**: Total camps: 2

Run by: Croats: Corroborated: Uncorroborated: 1
Unknown: Corroborated: 1 Uncorroborated:

442. **Varaždin**: Total camps: 1

Run by: Unknown: Corroborated: 1 Uncorroborated:

443. **Vojnić**: Total camps: 3

Run by: Serbs: Corroborated: 1 Uncorroborated:
Unknown: Corroborated: 2 Uncorroborated:

444. **Vrbovec**:	Total camps: 1		
Run by:	Croats:	Corroborated:	Uncorroborated: 1
445. **Vrginmost**:	Total camps: 1		
Run by:	Croats:	Corroborated:	Uncorroborated: 1
446. **Vukovar**:	Total camps: 44		
Run by:	Serbs:	Corroborated: 7	Uncorroborated: 27
	Croats:	Corroborated:	Uncorroborated: 9
	Unknown:	Corroborated: 1	Uncorroborated:
447. **Zadar**:	Total camps: 7		
Run by:	Croats:	Corroborated: 3	Uncorroborated: 1
	Unknown:	Corroborated: 3	Uncorroborated:
448. **Zagreb**:	Total camps: 8		
Run by:	Croats:	Corroborated: 2	Uncorroborated: 1
	Unknown:	Corroborated: 5	Uncorroborated:

E. Camps reported in FRY

449. The reports reviewed alleged a total of 71 camps within FRY. Among those camps, 56 (78.9 per cent) were alleged to have been controlled by Bosnian Serbs or forces of FRY; and 15 (21.1 per cent) by unidentified forces.

1. Serb/FRY controlled camps

450. A combination of JNA personnel, police forces and Serb paramilitaries, reportedly operated and maintained the camps in FRY.

451. A significant number of Croats, probably at least several thousand, were reported to have been captured by Serb forces in Croatia and transferred to what is now known as FRY. The majority of those imprisoned in various prisons and camps in FRY were apparently captured at the battle of Vukovar in approximately November 1991.

452. Those captured were a mix of soldiers and civilians. Apparently, the Serbs first regarded their Croat prisoners as insurgents and rebels and later, as the independence of Croatia was recognized, to a certain extent regarded their captives as prisoners of war. It was also reported that when the Republic of Croatia was internationally recognized, Croat prisoners in FRY were severely beaten as a result.

453. It was reported that Serb authorities tried and convicted a number of Croat prisoners for various offences. Those prisoners were often transferred to other detention facilities. Serbs also commonly transferred other prisoners between detention centres.

454. Treatment of prisoners at the FRY camps was commonly reported as very poor. Violent interrogation, and reports of beatings and sadistic treatment of prisoners were common. For example, it was reported that prisoners were forced to participate in various "games", the rules of which inevitably led to the abuse of the participants. It appeared that Serb authorities in FRY

transported local Vukovar Serbs to FRY in order to identify certain prisoners and participate in their maltreatment. Personal vendettas were allowed to occur. Drunk guards were also reported to have inflicted great harm upon those imprisoned. There were also reports of women who were held and exploited for sexual purposes.

455. Living conditions for the prisoners were also reported as very poor. Common complaints included a lack of food, insufficient access to toilet facilities, and an inadequate opportunity to bathe and change clothes. Facilities were often cold and damp, and inmates were often left without sufficient bedding. The wounded and sick often suffered without adequate medical care.

456. It appears that the majority of Croat prisoners in FRY were exchanged by late summer of 1992.

457. It was also reported that prisoners captured in BiH were transported to camps in FRY. A number of the Bosnian Muslims held in such camps were reportedly captured around Višegrad and Bosanski Šamac.

458. A number of Bosnian refugees in Montenegro, from Foča, were reportedly arrested by FRY police forces, held in various prisons, and later turned over to Serbs maintaining camps in Foča where they were then imprisoned. It was also reported that a significant number of Muslim prisoners held in Bileca, were transferred to a camp in Subotica.

459. Upon investigation by third party teams, certain alleged concentration camps for Muslims in FRY were found to be refugee centres where living conditions were poor.

2. Reported camps by location

460. Of the reports of the 71 camps alleged in FRY, 42 were corroborated (i.e., reported by a neutral source or multiple neutral sources), and 29 were uncorroborated (i.e., reported either by multiple non-neutral sources, or not corroborated by a neutral source). The following is a numerical breakdown of the camps reported to have existed in FRY:

461. **Kosovo**: Total camps: 1

Run by: Serbs/FRY: Corroborated: 1 Uncorroborated:

462. **Montenegro**: Total camps: 9

Run by: Serbs/FRY: Corroborated: 5 Uncorroborated: 1
Unknown: Corroborated: 1 Uncorroborated: 2

463. **Serbia**: Total camps: 27

Run by: Serbs/FRY: Corroborated: 13 Uncorroborated: 13
Unknown: Corroborated: 1 Uncorroborated:

464. **Vojvodina**: Total camps: 25

Run by: Serbs/FRY: Corroborated: 10 Uncorroborated: 13
Unknown: Corroborated: 2 Uncorroborated:

465. **Unidentified Locations in FRY:**

Total camps: 9

Run by: Unknown: Corroborated: 9 Uncorroborated:

D. Camps reported in Slovenia

466. The reports reviewed alleged a total of seven camps within Slovenia. Among those camps, three (42.9 per cent) were alleged to have been controlled by Slovenian forces and four (57.1 per cent) by unidentified forces.

467. As the various conflicts in the former Yugoslavia erupted and unfolded, detention of soldiers and civilians reportedly became commonplace. In June and July 1991, Slovenian forces reportedly captured and imprisoned a few hundred soldiers of the JNA and some civilian personnel of SFRY, including internal police, for a short period of time after Slovenia declared its independence on 25 June 1991.

468. The Slovenes reportedly held the prisoners in various places including mining facilities and a penitentiary. The captors allegedly subjected the prisoners to beatings, verbal humiliations, and threats. Since the prisoners' release and the subsequent conflicts in Croatia and BiH, there were no reports concerning detention in Slovenia.

469. Of the reports of the seven camps alleged in Slovenia, six were corroborated (i.e., reported by a neutral source or multiple neutral sources) and one was uncorroborated (i.e., reported either by multiple non-neutral sources, or not corroborated by a neutral source). The following is a numerical breakdown of the camps reported to have existed in Slovenia:

1. Reported camps in Slovenia

470. **Slovenia:** Total camps: 7

Run by: Slovenians: Corroborated: 2 Uncorroborated: 1
Unknown: Corroborated: 4 Uncorroborated:

ANNEX IX - RAPE AND SEXUAL ASSAULT

471. Annex IX, consisting of 124 pages, was prepared by staff members of IHRLI, under the direction of Chairman Bassiouni.

I. INTRODUCTION

472. The Commission investigated rape and sexual assault in three ways. The first method was through a study of the documentary evidence contained in the database at IHRLI. This study is discussed in paragraphs 28 through 294. The second method was through a field investigation. This investigation is discussed at Annex IXA, in paragraphs 1 through 190. The field investigators conducted 223 interviews in Croatia.[118] The final method was through the analysis of investigations and interviews conducted by governments and submitted to the Commission, but not included in the database. For example, the government of Austria recently interviewed 18 refugees, several of whom were victims or witnesses of incidents of rape and sexual assault. Sweden conducted interviews of 35 refugees, most of whom were victims or witnesses of

rape and sexual assault.[119] These investigations and their findings have been sent by the Commission to the office of the Prosecutor for the ICTFY. A great number of fact-finding missions have been carried out to try to assess the incidence and extent of the use of rape and sexual assault as a weapon of war in the conflicts in the former Yugoslavia, particularly in Bosnia and Herzegovina.[120]

473. The question of the credibility of victims and witnesses and the reliability of the information provided has been foremost in the consideration of this analysis. Indeed, some of the information provided, as described below, is general, generic, or insufficient. But such information may none the less be credible because of some particular details it may contain and because of other corroborating facts. Furthermore, interviews, whether conducted by the Commission or by certain governments, of victims and witnesses in sufficient numbers confirm certain accounts. Such interviews also provide a first hand account and description of certain facts, which are also found in the documentation available in the database. Thus, it is the cumulative nature of the information which tends to corroborate the facts about incidents in the locations described, as well as patterns of behaviour. Consequently, it is this cumulative effect which gives the information credibility and reliability. This is also the basis which provides a sufficient numerical basis to develop a statistical analysis from which to derive the conclusions described below. Thus, for example, of the 1,100 cases examined, it is possible to identify with some degree of accuracy the patterns described in paragraphs 8 through 25. The macroanalysis aspect of this report is therefore well founded on the facts. Obviously, individual cases and their level of readiness for prosecution will vary and, without speculating on any ultimate prosecutorial outcome, it could easily be surmised that no less than 10 percent of these reports are very likely cases for prosecution. Finally, the analysis of allegations by geographical location has been written in a way to conceal the identities of victims, witnesses, and alleged perpetrators, for confidentiality and security reasons. The vagueness present should not be taken for a lack of information. Names have been provided when they are taken from widely published sources like the news media.

474. The relevance of the study is therefore threefold: 1) it identifies specific individual cases, patterns and policies; 2) it establishes foundations in fact for allegations of rape and sexual assault in this conflict, and more particularly their use as an instrument of war; and 3) it serves as a basis for the eventual prosecution by the ICTFY of rape and sexual assault cases, particularly with respect to the prosecution of commanders and other decision makers who may have been responsible for individual conduct and formulating policy. A most significant corollary of the study is that it has identified a number of cases ready for the final investigatory stages leading to prosecution.

A. Summary of statistical information from all sources

475. This is a study by IHRLI of allegations of systematic rape and other forms of sexual assault perpetrated in the former Yugoslavia. The information for the study comes from the sources stated in paragraph 1. The database contains tens of thousands of allegations of rape and sexual assault. Rape is defined for the purposes of the study as non-consensual sexual penetration, while sexual assault encompasses rape and other forced or coerced sexual acts. It also includes sexual mutilations for purposes of this study. When duplicated information is eliminated and the most general allegations discarded,[121] the following statistics are revealed:

(a) There are approximately 1,100 reported cases of rape and sexual assault;

(b) About 800 victims are named, or the submitting source appears to know the identity of the victim, but does not disclose it;[122]

(c) About 1,800 victims are specifically referred to but are not named or identified sufficiently by the witness reporting the incident;[123]

(d) Witness reports also refer to additional numbers of victims through approximations. These reports suggest there may be about 10,000 additional victims the reports could eventually lead to;

(e) About 550 of the reported cases refer to victims of rape and sexual assault but are unspecific and do not give any identifying information;[124]

(f) About 700 alleged perpetrators are named, or the submitting sources appear to have the name of the person they call the perpetrator but chose not to disclose it;

(g) About 750 perpetrators are specifically identified, but the witnesses do not know the name to make the identification complete;

(h) The cases contain references to about 300 perpetrators only approximately, with no specifics as to name or the specific number present;

(i) About 900 cases refer generally to classes of perpetrators but do not approximate their numbers.[125]

476. There are about 162 detention sites in the former Yugoslavia where people were detained and sexually assaulted:

(a) 88 of those are reportedly run by Serbs;

(b) 35 are run by unknown forces;

(c) 17 are allegedly run by Croats;

(d) 14 are allegedly run by Muslim and Croat forces together;

(e) 8 are reportedly run by Muslims.

477. This statistical information may not represent the true extent of what has occurred in the former Yugoslavia. This shortfall may be due to a variety of reasons:

(a) The chief reason is that victims are reluctant to report the assaults;

(b) Victims fear reprisals by their attackers, both for themselves and family members remaining in occupied areas;[126]

(c) Some victims feel shame and embarrassment and fear ostracization by their communities--this is especially true in Muslim society, though many female victims have banded together for support, unlike most victims of rape and sexual assault in peacetime;[127]

(d) A great deal of time has passed since the crimes were committed.[128] Now, victims and witnesses have relocated to over 20 different countries. With the passage of time and migration, there is an increasing reticence to report incidents of rape and sexual assault at an international level. Victims and witnesses wish to get on with their lives and not to relive the shame and embarrassment of their experiences;

(e) Many do not have a place to report the assault or feel that reporting would be useless;

(f) Refugees have a certain level of skepticism about the international community. Support groups and therapists contribute to this skepticism due to their concern over the traumatic effect of reliving the trauma through constant questioning.

478. These concerns are evidenced in many of the reports used in this study. Submitting sources often withhold the names of victims, witnesses or perpetrators to protect them. Additionally, many of the witnesses who gave testimony stated that they were afraid to allow their identity to be revealed because of retaliation by the alleged perpetrators or rejection by their own community. Some of the victims report that the people who assaulted them said never to tell what had happened or they would hunt down the victims and kill them.

B. Methodology

479. To analyse the contents of the database, all of the allegations of rape and sexual assault were gathered. Summary sheets were created for each allegation. These worksheets separated out some of the vital information, such as the identity of the witness who reported the incident, the identity of the victims and perpetrators, the date and location of the incident, the source of the report, and the method of recording the information. The worksheets also contained a comprehensive summary of the incident of rape and sexual assault. These summary sheets were then used as analytical tools to compare the information in a standardized format. They were organized geographically, divided by the setting in which they allegedly occurred, and arranged chronologically within that subheading. The analysis which follows is also organized geographically by county in alphabetical order. This particular form was chosen because of the number of "warring factions", and the generally confusing nature of the conflict.

480. The setting was defined as either custodial or non-custodial, and those reports which did not specify the setting were assumed not to have occurred in custody.[129] This classification was used for several reasons, primarily because some level of organization and coordination is required to hold people in custody. The greater the number of rapes and sexual assaults in custody, the greater the likelihood of higher-level control over, or acquiescence to the practice. About 600 reported cases specify that they occurred in settings where the victims were held in custody.

C. Summary analysis

481. Rape and sexual assault have been reported to have been committed by all of the "warring factions". Additionally, many ethnic groups[130] were reportedly victims of rape and sexual assault: Bosnian Muslims, Bosnian Serbs, Bosnian Croats, Croatians, Croatian Serbs, Croatian Muslims, Albanians, Czechs and others. However, it is important to avoid moral equivalency in the analysis. The vast majority of victims are Bosnian Muslim and the great majority of alleged perpetrators are Bosnian Serb. Serbs reportedly run over 60 percent of the nearly 150 detention sites where men and women were allegedly raped and sexually assaulted. Finally, for purposes of prosecution,

it is important to distinguish between "opportunistic" crimes and the use of rape and sexual assault as a method of "ethnic cleansing". Rape and sexual assault should be examined in the context of the practice of "ethnic cleansing"; discussed in Annex IV, and the practices in concentration camps, discussed in Annexes V and VIII. Most of the reported cases occurred in Bosnia and Herzegovina (BiH),[131] and none were reported to have occurred in Slovenia.

482. Several patterns of conduct are revealed in the reported cases, regardless of the ethnicity of the perpetrators or the victims. These patterns are:

(a) Individuals or small groups commit rape and sexual assault in conjunction with looting and intimidation of the target ethnic group before generalized fighting breaks out in an area;

(b) Individuals or groups commit rape and sexual assault in conjunction with fighting in an area, often raping women in public;

(c) Individuals or groups commit rapes and sexual assaults of detainees;[132]

(d) Individuals or groups commit rape and sexual assault against women held for the purpose of being raped and sexually assaulted and for the purpose of harming the women;[133]

(e) Detention sites are established solely for the rape and sexual abuse of women for the perpetrator's gratification.[134]

483. The first pattern occurs before any widespread or generalized fighting breaks out in a region. This type of rape and sexual assault is accompanied by looting, intimidation, and beatings. Tensions in an area grow, and members of the ethnic group controlling the regional government begin to terrorize their neighbours by intimidation, looting and beatings. Two or more men reportedly break into a house, intimidate the residents, steal their property, beat them, and often rape and sexually assault female residents. Some of the reported rapes and sexual assaults are singular and some are multiple. In either case, there is often a gang atmosphere where all the abuses are part of the same event, and all the attackers participate in the event, even if they do not sexually assault the victims. A distinct pattern of rape and sexual assault within this general type is peculiar to one area of BiH and Croatia. Paramilitary groups roam the countryside, abducting primarily Bosnian Serb women from their homes. The women are taken to a specific location, raped and sexually assaulted repeatedly, and then abandoned. The size of the groups of men range from four to 15. The victims are usually assaulted by each of the men in the group.[135]

484. The second pattern of rape and sexual assault occurs in conjunction with widespread or generalized fighting. When forces attack a town or village, the population is gathered and divided by sex and age. Some women are raped and sexually assaulted in their homes as the attacking forces secure the area. Others are selected after the roundup and are then raped and sexually assaulted publicly. The population of the village is then transported to camps.

485. The third pattern of rape and sexual assault occurs in sites of detention or other "collection centres" for refugees. After the population is rounded up in a town or village, men and women are separated. Men are executed or sent off to camps, and women are generally sent off to separate camps. In these custodial situations, soldiers, camp guards, paramilitaries,

and even civilians are allowed to enter the camp, pick out women, take them away, rape and sexually assault them, and then either kill them or return them to the site. There is a significant amount of gang-rape and sexual assault reported in this context, and beatings and torture accompany most of the reported rapes and sexual assaults. Survivors report that some women are taken out alone, and some are taken out in groups. The women who are not killed are eventually exchanged. Though this is the general pattern, there are also many allegations that women are raped and sexually assaulted in front of other detainees, or that other detainees are forced to rape and sexually assault each other. The sexual assault of men in these camps is generally public, and the men are not usually removed from the camp. In these camps, other forms of humanitarian law violations, such as torture, occur simultaneously. In camps with only male populations and in camps with mixed populations, men are also subjected to sexual assault. Examples of this type of camp include Serb-run Trnopolje in Prijedor,[136] Croatian-run Odžak camp in Odžak,[137] and the Muslim-run camp in Goražde.[138]

486. The fourth pattern of rape and sexual assault occurs in specific types of sites of detention. Survivors of some camps report that they believe that they were detained for the purpose of rape and sexual assault. In these sites, all of the women are raped and sexually assaulted, the raping is quite frequent, and it is often committed in front of other internees. In this context as well, beating and torture accompany rape and sexual assault. Often, the captors state that they are trying to impregnate the women, pregnant women are treated better than their non-pregnant counterparts, and pregnant women are detained until it is too late in the pregnancy to obtain an abortion.[139] Examples of this type of camp include the Serb-run Usara High School camp in Doboj,[140] Muslim-run Čelebići camp in Konjic,[141] and Croatian-run Dretelj camp in Čapljina.[142]

487. The last pattern of rape and sexual assault is detention for the purpose of providing sex. Women are collected from their homes and from camps and taken to hotels or similar facilities where they serve to provide sexual gratification for the armed forces.[143] The women kept in these sites are reportedly killed more often than they are exchanged, unlike the female population in most camps. Additionally, unlike camp detention, the motive for detention of these women seems not to be to cause some reaction in the women detained, but instead to provide sexual services to men. The Yugoslav Mission submitted a list of such sites run by Croats and Muslims in BiH and the women's group Trešnjevka submitted a list of such sites run by Serbs in BiH.

488. In both custodial and non-custodial settings, many victims report that the alleged perpetrators state that they were ordered to rape and sexually assault the victims, or that they were doing it so that the victims and their families would never want to return to the area. Also, every reported case occurred in conjunction with an effort to displace the civilian population of a targeted ethnic group from a given region. Reports of rape and sexual assault between members of the same ethnic group are few and have some ethnic component, such as sheltering members of the target ethnic group or marriage to a member of the targeted ethnic group. Very few reports fail to display some ethnic motivation.

489. Some characteristics of the rapes and sexual assaults include:

(a) Rapes and sexual assaults are conducted in ways that emphasize the shame and humiliation of the assault--such as forcing family members to rape each other, raping the victims in front of family members, including children, and raping persons in public places or in front of other internees;

(b) Large groups of perpetrators subject victims to multiple rapes and sexual assaults;

(c) Young women and virgins are targeted for rape and sexual assault, along with prominent members of the community and educated women;

(d) In custodial settings, perpetrators go through the detention centres with flashlights at night and choose victims randomly, returning them the next morning, thereby terrorizing the entire population of the camp;

(e) Perpetrators tell female victims that they will bear children of the perpetrator's ethnicity, that the perpetrators were ordered to rape and sexually assault them, or that, if the victims ever tell anyone or anyone discovers what has happened, the perpetrators will hunt them down and kill them;

(f) Victims are sexually assaulted with foreign objects like broken glass bottles, guns, and truncheons;

(g) Castrations are performed through crude means such as, forcing one internee to bite off another's testicles, and tying one end of a wire to the testicles and the other end to a motorcycle, then using the motorcycle to yank off the testicles;

(h) Perpetrators tell victims that they must become pregnant and hold them in custody until it is too late for the victims to get an abortion;

(i) Camp commanders often know about, and sometimes participate in, the rape and sexual assault of internees and former internees.

490. There also are many cases where female victims are protected by someone from the same ethnic group as their attackers. Men take women out of the camps to protect them from rape and sexual assault, tell other guards or soldiers that the women are "taken", or help them escape. Women hide other women or bring them contraceptives. There is insufficient information on the sexual assault of men to determine a similar pattern.

491. Men are also subject to sexual assault. They are forced to rape and sexually assault women, they are forced to perform fellatio on guards and on each other, they are forced to perform other sex acts on each other, and they suffer castrations, circumcisions, and other sexual mutilations.

492. Some of the reported rape and sexual assault cases are clearly the result of individual or small group conduct without evidence of command direction or an overall policy. However, many more cases seem to be part of an overall pattern. These patterns strongly suggest that a systematic rape and sexual assault policy exists, but this remains to be proved. It is clear that some level of organization and group activity is required to carry out many of the alleged rapes and sexual assaults. One factor, in particular, that leads to this conclusion is the large number of allegations of rape and sexual assault which occur in places of detention. Out of about 1,100 reported cases, about 600 occurred in places of detention. These custodial cases do not appear to be random and indicate a policy of at least tolerating rape and sexual assault or the deliberate failure of camp commanders and local authorities to exercise command and control over the personnel under their authority.

493. Other factors to consider in discerning a possible pattern include: similarities among practices in non-contiguous geographic areas; simultaneous commission of other humanitarian law violations; simultaneous military activity; simultaneous activity to displace civilian populations; common

elements of the commission of rape and sexual assault, maximizing shame and humiliation to not only the victim but also the victim's community; and the timing of the alleged rapes and sexual assaults.

494. The reported cases of rape and sexual assault contained in the database occurred between 1991 and 1993. The majority of the rapes and sexual assaults occurred during April to November 1992 and very few occurred before or after that. In the same time period, the number of media reports increased from a low of none in March of 1992 and of 13 in April 1992 to a high of 535 in January 1993 and 529 in February 1993. This correlation could reflect the lag in the ability of the media to cover the information, waning media interest in the subject, that media attention caused the decline, or that the purposes for which the alleged rape and sexual assault was carried out had been served by the publicity. The last two possible explanations would indicate that commanders could control the alleged perpetrators, leading to the conclusion that there was an overriding policy advocating the use of rape and sexual assault as a method of ethnic cleansing.

495. The numbers of alleged rapes and sexual assaults and the patterns present are different among the different countries. Most of the alleged assaults occurred in BiH in the latter two-thirds of 1992. All of the patterns described above were present. A smaller number of alleged rapes and sexual assaults occurred in Croatia, mostly in late 1991. There were only a few sites of detention, run by both Serbs and Croats, and most of the reported rape and sexual assault occurred when tensions were high in an area or in conjunction with the fighting. Nearly all the rapes and sexual assaults reported to have occurred in the FRY were committed while the victims were in custody. Most occurred in late 1991 in Begejci, Stajićevo, and Livade camps near Zrenjanin, Vojvodina.

D. Conclusions

496. Rape and other forms of sexual assault harm not only the body of the victim. The more significant harm is the feeling of total loss of control over the most intimate and personal decisions and bodily functions. This loss of control infringes on the victim's human dignity and is what makes rape and sexual assault such an effective means of "ethnic cleansing".[144]

497. Some of the reported rape and sexual assault cases are clearly the result of individual or small group conduct, without evidence of command direction or an overall policy. However, many more cases seem to be part of an overall pattern. Factors to consider in discerning a pattern include: similarities among practices in non-contiguous geographic areas; simultaneous commission of other humanitarian law violations; simultaneous military activity; simultaneous activity to displace civilian populations; common elements of the commission of rape and sexual assault, maximizing shame and humiliation to not only the victim, but also the victim's community; and the timing of the alleged rapes and sexual assaults. The presence of these factors strongly suggest that a systematic rape and sexual assault policy exists, but this remains to be proved. It is clear that some level of organization and group activity is required to carry out many of the alleged rapes and sexual assaults. One factor in particular that leads to this conclusion is the large number of allegations of rape and sexual assault which occur in places of detention. Out of about 1,100 reported cases, about 600 occurred in places of detention. These custodial cases do not appear to be random and indicate a policy of at least tolerating rape and sexual assault or the deliberate failure of camp commanders and local authorities to exercise command and control over the personnel under their authority.

498. Some of the allegations of rape and sexual assault are clearly instances of a policy of commission. In some cases, military commanders and camp commanders are reported to have ordered their subordinates to rape and sexually assault people who were not members of the subordinates' ethnic or religious group. Other cases point to a policy of omission, where military and camp commanders failed to prevent such conduct and failed to punish their subordinates for such criminal behaviour when it was discovered. There is evidence that rape and sexual assault have been used by all parties of the conflict to displace targeted ethnic groups, though not necessarily as part of an overall policy of "ethnic cleansing". However, the vast majority of victims are Bosnian Muslim and the great majority of alleged perpetrators are Bosnian Serb. Serbs reportedly run over 60 percent of the 162 detention sites where detainees are allegedly raped and sexually assaulted.[145] Finally, for purposes of prosecution, it is important to distinguish between "opportunistic" crimes and the use of rape and sexual assault as a method of "ethnic cleansing".[146]

ANNEX IX.A - SEXUAL ASSAULT INVESTIGATION

499. Annex IX.A is a 62 page report of the sexual assault investigation conducted by the Commission in February and March of 1994, under the direction of Chairman Bassiouni.[147] The Annex contains two parts. Part one is the report of the interview coordinator which contains the following: 1.) a discussion of the methodology used to conduct the interviews and choose the victims and witnesses to be interviewed; 2.) comments regarding the substance; 3.) recommendations for further investigation; and 4.) the plan of action for the interview process. Part two is the report of the mental health team which discusses the activities and role of the experts as well as the psychological effects of giving testimony and the psychological and physical status of those interviewed.

ANNEX IX.B - PILOT RAPE STUDY

500. Annex IX.B is eight page report of the results of a pilot rape study conducted in Sarajevo, under the direction of Commissioner Fenrick. The investigation team consisted of two Canadian military police investigators and a Canadian military lawyer. Sarajevo was the chosen site because the State Commission for Gathering Facts on War Crimes in the Republic of BiH and the League for the Help of Victims of Genocide are located in Sarajevo. Both organizations previously indicated that they had collected extensive information regarding rape. The objective of the study was to assess the feasibility of prosecuting alleged perpetrators and their superiors in certain cases of rape.

ANNEX X - MASS GRAVES

501. Annex X, a 104 page report, was prepared by staff members of IHRLI, under the direction of Chairman Bassiouni.

I. INTRODUCTION

502. Because of the large scale of victimization in the Yugoslav conflict, many persons are buried in individual and mass graves. The mass graves report attempts to identify and provide relevant information concerning any and all alleged mass graves in the territory of the former Yugoslavia. This study is not designed to classify sites based on their prosecutorial potential, but to provide a factual description, and whenever possible, some analysis of the

mass graves reported to be in existence as of 30 April 1994. It should be noted that the reporting or existence of a mass grave does not necessarily imply that a war crime has been committed.

503. It is significant to note that further study of mass graves should be made for three reasons:

(a) A mass gravesite is a potential repository of evidence of mass killings of civilians and POWs. Such sites can yield forensic information which can provide evidence or insight into the circumstances surrounding the deaths of those buried there.

(b) The manner and method by which a mass grave is created may itself be a breach of the Geneva Conventions,[148] as well as a violation of the customary regulations of armed conflict.[149] The Geneva Conventions[150] require parties to a conflict to search for the dead and to prevent their bodies and remains from being despoiled.[151] For every deceased person who falls into the hands of the adverse party, the adverse party must record, prepare, and forward all identification information, death certificates and personal effects to the appropriate parties.[152] Parties to a conflict must also ensure that deceased persons are autopsied and buried in individual graves, as far apart as circumstances permit. Bodies should not be cremated except for hygiene reasons or for the religious reasons of the deceased.[153] Interment should be carried out in an honourable fashion, according to the religious rites of the deceased. Victims should be grouped by nationality and their graves maintained and marked so that they can be easily found.[154]

(c) The identification of mass graves can serve a reconciliatory purpose between the "warring factions", so that the families of those killed during the conflict can learn the whereabouts of their loved ones.

504. This report is divided into two sections. The first section is the summary analysis and the second section consists of factual descriptions of all reported gravesites and analysis by geographic location. The Summary Analysis, in Section II below, discusses the methodology of the report, defines relevant terms, and tracks the following information: total number of graves; number of graves in each geographic region; number of graves by ethnicity of victim and of perpetrator; number of graves containing a given range of bodies; number of graves where information suggests the bodies were victims of mass killings; number of graves near detention facilities, and so forth. In addition, this section will discuss patterns, trends, and commonalities which have manifested themselves in the various reports of mass grave sites.

505. The Analysis By Geographic Location, in Section II(B), describes gravesites by county and is organized alphabetically. The 1991 population and ethnic distribution information is provided for each county, as well as a brief summary of military activity in the region, if available. Many of the counties reported multiple mass graves. The section also contains the following:

(a) All identified gravesites in that county are then discussed in detail. A full description of the location of the grave is given, along with all known relevant events leading up to the creation of the gravesite. Ethnicities of victims and perpetrators are identified; however, names of victims have been redacted to protect their identities as well as those of their families. The names of some perpetrators reportedly involved in the events surrounding the mass grave are known, but not disclosed.

(b) Other information includes the number of bodies buried in the grave, how the grave was created, and any investigations, visual sightings or forensic explorations of the grave and data gained therefrom.

II. ANALYSIS

A. Summary analysis

506. For the purposes of this report, "grave" is defined as any site which: 1) is intended as a place of permanent interment and 2) has physical characteristics which prevent the bodies from being moved by the natural elements. Accordingly, rivers do not fall within the definition of mass graves for this report, nor do groups of bodies left to decompose on forest floors. "Mass" is defined as any group of two or more persons sharing the common place of interment. "County" is defined as a region known as an "opština". An opština is larger than a municipality or town, and includes smaller villages and hamlets which surround the larger cities. "Ethnicity of perpetrator" is defined as the ethnicity or religious affiliation of the party responsible for the deaths that led to the creation of a mass grave. In many instances, the party responsible for the killing is not the party directly involved in creating the mass grave. This would occur in a situation where civilians were killed and their neighbours had no choice but to bury them in mass graves, due to time, sanitary, or safety considerations.

507. Reports of mass graves are entered into the IHRLI database. The database generates a separate screen for each reported mass grave and tracks all relevant information available about each site.

508. When a report of a mass grave is received by the database, it is cross-checked against any factual information already on hand to avoid duplication. If the report contains data on a gravesite previously identified in the database, any new data is incorporated into the active file in the database. If the report concerns a new mass grave, a file is opened for that grave. The purpose of the files is to develop and organize information for analysis and track corroborative accounts of mass graves.

509. This report is based on over 10,000 pages of source information received and database incidents developed by IHRLI. This information is submitted by a variety of sources, including U.N. organizations, member states, governments of the warring factions, intergovernmental organizations, and non-governmental organizations.[155] The substance of the information received varies from general reports of patterns of activity in the former Yugoslavia to detailed witness accounts, which describe specific incidents at length.

510. Based on the available information, there are four general types of mass graves which exist in the territory of the former Yugoslavia. The first type is a gravesite where the bodies were victims of a mass killing but the method and manner of burial were proper.[156] The second type is a gravesite where the bodies were those of civilian casualties or soldiers killed in combat, and therefore not unlawful killings, but the method and manner of burial were improper. The third type includes gravesites where the bodies were victims of a mass killing and the method and manner of burial were improper. Finally, the fourth type includes gravesites where neither the circumstances surrounding the deaths of the victims nor the manner and method of burial were improper.

511. The number of mass graves reported to exist is as follows:

(a) 38 counties[157] in Bosnia and Herzegovina (BiH) and Croatia contain a total of 187[158] alleged mass grave sites, with 143 in BiH and 44 in

Croatia;

(b) Over half of the sites in Croatia (27) are located in the eastern region of the republic, comprising the counties of Vukovar, Osijek, and Vinkovci; and

(c) Over half the sites (79) in BiH are located in the north-western quarter of the republic, comprising the counties of Prijedor, Ključ, Kotor Varoš, Sanski Most, and others.

512. The number of bodies said to be contained in the graves are as follows:

(a) 25 contain at least 10 bodies;

(b) 16 contain at least 10-20 bodies;

(c) 29 sites contain at least 20-50 bodies;

(d) 22 contain at least 50-100 bodies;

(e) 20 contain at least 100-500 bodies;

(d) 13 contain at least 500 bodies;

(f) Reports on 62 of the gravesites did not specify the number of bodies buried at the site. For more accurate analysis, reports which contained allegations that "thousands" of individuals are buried at a certain site, without a more concrete number, were classified as "unspecified". Likewise, those reports which claimed that a given number of people were killed in a location, but did not refer to that number in discussing the subsequent burial, are classified as "unspecified"; and

(g) Many persons tend to report large numbers of persons buried in mass graves on the basis of numbers of missing persons, rather than numbers of those killed. This was the case in Sector West, in Pakračka Poljana, where 1,700 bodies were alleged to have been buried. In all, 19 bodies were found by the Commission, at which point the Krajina authorities suggested that 2,500 bodies were actually buried in Marino Selo, a few kilometres away.[159]

513. The ethnicity of the victims buried in reported mass graves are as follows:

(a) 65 are said to contain at least some Muslims;

(b) 32 are said to contain at least some Croatians;

(c) 19 are said to contain at least some Serbs; and

(d) 81 sites did not have the ethnicity of the victims specified. It should be noted that many of the gravesites are said to contain victims from more than one ethnic group, usually Muslims and Croatians. Where a mass grave is alleged to have victims of multiple ethnicities, the site is counted twice, once for each ethnicity reported.

514. The ethnicity of perpetrators responsible for killing persons buried in mass graves are as follows:

(a) Persons buried in 81 of the reported gravesites are alleged to have been killed by Serbs;

(b) Persons buried in 16 of the gravesites are alleged to have been killed by Croatians;

(c) Persons buried in five of the gravesites are alleged to have been killed by Muslims; and

(d) Of the reports, 87 of the reports did not identify a perpetrator. Where the ethnicity of the perpetrator was not clearly established from the data, sites are classified as having an unspecified perpetrator, despite one ethnic group's clear military control of the region.[160]

515. Of the reported sites, 54 of the reported sites are at or near detention facilities. This comports with the data that suggests many of the victims buried in mass graves were prisoners who died or were killed at detention facilities run by an adversarial ethnic group.

516. Over half (99) of the alleged gravesites appear to contain victims of mass killings. In these instances, the source information clearly detailed the circumstances of the killing[161] or provided witness testimony about the deaths of the victims.

517. There are several trends which appear throughout the report of mass graves in both BiH and Croatia, including Serb-inhabited areas of Croatia, such as Krajina and Eastern and Western Slavonia. The first is the coexistence of mass graves and detention facilities. Mass graves are frequently reported in areas where numerous identified detention facilities were located and where many individuals were reportedly killed. This coexistence suggests that mass graves were and are deliberately being used as a means of secretly disposing of the bodies of those persons unlawfully killed.[162] Some of these persons may have been killed in detention, while others were killed in the course of "ethnic cleansing".[163] This is particularly true in the counties of Brčko, Foča, Pakrac, and Prijedor.

518. A second trend concerns the manner in which the graves are created. After a mass killing, the occupying troops or detention camp guards will often select a handful of civilians or prisoners to assist with loading dead bodies onto trucks to transport them to a burial site. Other prisoners are forced to actually dig the grave in which the dead are to be buried, usually with their bare hands or shovels. After the transport or excavation is completed, the prisoners or civilians are also killed and thrown into the grave with the dead bodies, presumably to eliminate any potential witnesses to the killings and subsequent burials. Lack of available witnesses also accounts for the poor quality of information about many of the gravesites.

519. A third trend appearing from the data concerns a blatant disregard for the rites of a proper burial. Most of the dead in mass graves are neither placed in coffins nor wrapped in any sort of protective material. In many cases, the victims are not identified by name, or registered as dead before burial.[164] These actions deny the dead a dignified burial and effectively prevent the families of those killed in the conflict from ever tracing their whereabouts.

520. A fourth trend suggested by the data concerns the burial site itself. There is a pattern whereby perpetrators dispose of bodies in pre-existing but non-traditional sites, which provide a ready-made place for body disposal without the use of mechanical diggers or excavators. Dead bodies are frequently thrown in mine-shafts, canals, quarries, landfills, caves and the like. In addition, these are the types of sites where bodies are said to be buried in large numbers as opposed to small numbers, possibly because it is easier to effectuate the burial of many people if the need for actual

excavation is eliminated.

521. A fifth pattern appearing from the data is the delay or denial of burial by the occupying forces. In many instances, dead bodies will be left on streets, lawns or forests for days or weeks, forcing the surviving civilian population to view the devastation. When villagers attempt to bury the bodies themselves, they are often prevented by the opposing faction or must risk their own lives to do so.

522. A sixth trend is the circumvention of interment altogether. Victims' bodies have been disposed of in a variety of ways which do not embrace actual interment in a grave, be it real or makeshift. The most common non-burial method of disposal is the dumping of bodies into rivers. The Danube, Sava, Sana, and Drina Rivers have all been reported to contain the bodies of killed persons. Some victims have allegedly had their stomachs slit and filled with sand so the bodies remain submerged once in the river. Also, many persons were reportedly burned in ovens or gathered into homes and set ablaze.

523. Many of the methods of burial or disposal of bodies are designed to instil fear and intimidate the civilian population still living in contested areas. This is particularly true in the case of bodies dumped in rivers, where the population downstream is forced to witness masses of bodies floating in the water. When bodies are buried, they are often placed in very shallow graves or merely covered with a layer of dirt, so that body parts often surface during inclement weather. Another example of a burial designed to provoke fear is in Blagaj, located in Prijedor county, where bodies were buried only from the waist down, so that passers-by were forced to view a line of decomposing persons.[165]

524. Many of the attacks which led to the creation of mass graves in BiH occurred in late April, May and June of 1992. This is particularly true in the south-east quarter of BiH, which includes Foča, Gacko, Rogatica and Vlasenica; the north-east quarter of BiH, including Brčko and Zvornik; and the north-west quarter of BiH, which includes Prijedor, Sanski Most, and Kotor Varoš.

525. Mass graves in many regions appear to be the final phase in an "ethnic cleansing" process.[166] Mass graves are usually found in sectors where forces have followed a distinct pattern of expulsion: the county is attacked by artillery; infantry troops enter the villages and force villagers from their homes, during which time many are killed. Once the houses are emptied, they are looted and burned. Those villagers who are still alive are rounded up and the men are separated from the women, children and elderly. These villagers are either killed, deported or detained; in any event, they rarely return to the village from which they came. The bodies of those killed during the initial expulsion, subsequent detention, or expulsion after release are often deposited in mass graves in and around the area where they were killed or died from torture or other wise.[167]

ANNEX X.A - MASS GRAVES: OVČARA NEAR VUKOVAR, UNPA SECTOR EAST

526. Annex X.A is report of the mass grave investigation conducted in Ovčara, near Vukovar in UNPA Sector East, Croatia. The 14 page report was prepared by Commissioner Fenrick, members of the Canadian War Crimes Investigation Team and the Royal Netherlands Army, and Physicians for Human Rights. The Annex contains two parts - the report of the Canadian War Crimes Investigation Team and the report of the forensic team. The Canadian team's report contains an account of the team's efforts to obtain the necessary permission from local Serbian authorities to conduct the investigation and all events leading up to

securing the area. The forensic team, Physicians for Human Rights, prepared a report containing an extensive explanation of the technical equipment and procedures that were employed and followed during a mass grave exhumation.

ANNEX X.B - MASS GRAVES: PAKRAČKA POLJANA, UNPA SECTOR WEST, CROATIA

527. Annex X.B concerns the mass grave exhumation at Pakračka Poljana, UNPA Sector West, Croatia. The report was prepared by Commissioner Fenrick, members of the Canadian War Crimes Investigation Team and the Royal Netherlands Army, and Physicians for Human Rights. It is substantially similar to Annex X.A, but is lengthier and more detailed because the full mass grave exhumation actually took place in Pakračka Poljana. The 47 page report contains two parts. Part one consists of an interim report and an investigation report prepared by the WCIT. Part two is the forensic report of the Physicians for Human Rights team which contains a description of the methods employed to exhume the bodies and catalogue physical evidence as well as the findings on how the victims were killed.

ANNEX XI - DESTRUCTION OF CULTURAL PROPERTY

528. Annex XI is a 12 page study of the destruction of cultural property prepared by Commissioner M'Baye. The study does not attempt to cite every violation of the laws of war concerning the destruction of cultural property. Rather, Commissioner M'Baye focussed on two incidents: the battle of Dubrovnik which occurred in October to December 1991 and the destruction of the Mostar Bridge which occurred on 9 November 1993. The analysis of the incidents and the application of the laws of war are to serve as examples for the Office of the Prosecutor to follow in its investigation of the deliberate destruction of cultural property.

ANNEX XI.A - THE BATTLE OF DUBROVNIK AND THE LAW OF ARMED CONFLICT

529. Annex XI.A is a 33 page study of the Battle of Dubrovnik and the law of armed conflict.[168] The Annex was prepared by members of the Canadian and Norwegian Armed Forces, under the direction of Commissioner Fenrick. A team of experts on the law of armed conflict and an art historian were sent to Dubrovnik to investigate the alleged damage to cultural property and civilians. The objective of the study was to prepare a study which focussed on injury to civilians and cultural property in order to 1.) determine whether and when indiscriminate or deliberate attacks on civilians or civilian objects had occurred; 2.) quantify the loss of civilian life, injuries, and damage to civilian property, especially cultural property; and 3.) impute responsibility for violations of the law of armed conflict. In the preparation of the study, the team relied on the following evidence: oral and written statements of eye-witnesses; hearsay statements; photographs and videotapes; unexploded ordnance; reports from other investigations conducted by national bodies, such as the civilian police, or other United Nations bodies, such as UNESCO; and a local criminal court judgment. In addition, the team sought out secondary sources of information to supplement its evidence.

ANNEX XII - RADIOLOGICAL INVESTIGATION (UNPA SECTOR WEST, CROATIA) OCTOBER/NOVEMBER 1993

530. Annex XII, which was prepared by members of the Royal Netherlands Army under the direction of Commissioner Fenrick, concerns the radiological

investigation conducted in October 1993 in UNPA Sector West, Croatia. The seven report contains the findings of the two nuclear, biological and chemical experts sent to investigate allegations of nuclear waste dumping in the sector. The team took several soil samples throughout the area with negative results.

Notes

1/ At the time, the Commission's Secretariat consisted of: Vladimir Kotliar, Secretary; Bruna Molina-Abrams, Deputy Secretary; and Julio Baez, Assistant Secretary. The Commission's first Secretary was Jacqueline Dauchy.

2/ Interim Report of the Commission of Experts Established pursuant to Security Council Resolution 780 (1992), U.N. Doc. S/25274, at 21-23 (10 February 1993).

3/ Some missions were for reconnaissance purposes in order to decide whether an investigation should be conducted or in order to prepare for the actual investigation. For example, in May 1993, a team travelled to Dubrovnik to assess the situation and determine the facts related to the destruction of cultural property and attacks on civilians. The Commission conducted other missions to interview victims and witnesses or to gather information from NGOs or governments. For example, during a trip to Austria, the Commission obtained information on the order of battle and chain of command of the forces involved in the conflict.

4/ International humanitarian law does not specifically address violent sexual crimes against men. However, men are protected because to exclude them would amount to discrimination on the basis of sex. Additionally, children are protected by several international conventions. See, e.g., The Convention on the Rights of the Child, G.A. Res. 44/25 (20 November 1989), entered into force 2 September 1990.

5/ Slovenia declared its independence on 25 June 1991, followed by Croatia on 25 July 1991, and BiH on 6 March 1992. All three were admitted as members of the United Nations on 22 May 1992.

6/ Final Report of the United Nations Commission of Experts Established Pursuant to Security Council Resolution 780 (1992), U.N. Doc. S/1994/674, at 30, ¶ 116 (27 May 1994).

7/ Id. at 30, ¶ 117.

8/ James Gow, "One Year of War in Bosnia Herzegovina", 2 Jane's Intelligence Review 1 (4 June 1993).

9/ See Annex IV for the "Policy of Ethnic Cleansing", Annex IV, Part 3 of "Ethnic Cleansing in Zvornik", and Annex V for "Prijedor".

10/ See James Gow, "Slovenia Territorial Defence A Year on", Jane's Intelligence Review 305 et. seq. (July 1992).

11/ See Milan Vego, "The Croatian Army", Jane's Intelligence Review 203 et. seq. (May 1993); Milan Vego, "The Croatian Forces in Bosnia-Herzegovina", Jane's Intelligence Review 99 et. seq. (March 1993).

12/ See Milan Vego, "The Army of Bosnia and Herzegovina", Jane's Intelligence Review 63 et. seq. (February 1993).

13/ Final Report of the United Nations Commission of Experts Established Pursuant to Security Council Resolution 780 (1992), U.N. Doc. S/1994/674, at 31 (27 May 1994).

Notes (continued)

14/ Milan Vego, "Federal Army Deployments in Bosnia and Herzegovina", Jane's Intelligence Review 445-46 (October 1992).

15/

		Geneva Conventions	Protocol I/ Protocol II
Yugoslavia	(Ratification)	21 April 1950	11 June 1979
Slovenia	(Succession)	26 March 1992	26 March 1992
Croatia	(Succession)	11 May 1992	11 May 1992
BiH	(Succession)	31 December 1992	31 December 1992

16/ See M. Cherif Bassiouni, Crimes Against Humanity in International Criminal Law (1992).

17/ For a more detailed historical discussion of the conflict in the former Yugoslavia, see Annex IV, and for a more detailed discussion of the military structure, see Annex III.

18/ Some of the reports received by IHRLI do not contain sufficient information to categorize all identified groups within these four categories. Therefore, further investigation is needed to separate these groups by some organizational or other criteria as well as to determine the internal and external chains of command.

19/ For the purpose of this report, county is used to refer to a region known as an "opština". An opština is larger than a municipality or town, and includes smaller villages and hamlets which surround the larger cities.

20/ This is a well-established definition for "Paramilitary" organizations or groups. See The Random House Dictionary of the English Language, The Unabridged Edition (1967).

21/ For a more detailed discussion of the military history and command structure of the armies of the former Yugoslavia, see Annex III, Military Structure.

22/ This was later known as "People's Total Defence".

23/ This figure counts the White Eagles as one group, even though there may be several separate groups operating under this name. For a more detailed discussion, see the section on White Eagles below.

24/ These numbers are estimates based on a review of the reports submitted to the Commission of Experts and have not been verified. Those same characteristics that make the use of organizations desirable, i.e., lack of uniforms and lack of an identifiable chain of command, also make it difficult to accurately state the number of paramilitary troops.

25/ United Nations Commission on Human Rights, Report on the Question of the Use of Mercenaries as a Means of Violating Human Rights and Impeding the Exercise of the Right of People to Self-determination, submitted by Mr. Enrique Bernales Ballesteros, Special Rapporteur, Pursuant to Commission Resolution 1993/5, U.N. Doc. E/CN.4/1994/23, at 25 (12 January 1994).

Notes (continued)

26/ In addition to the 72 counties, there were reports of paramilitary activity in eight villages (four in BiH and four in Croatia) in undetermined counties. For purposes of statistical analysis, these villages will be counted as counties.

27/ Paramilitary activity was reported in 45 counties in BiH, 21 counties in Croatia, and six in FRY.

28/ There were reports that Serbian paramilitary groups were operating in 39 counties in BiH, 22 in Croatia, and six in FRY. Croatian paramilitaries were reported to be operating in 11 counties in BiH and six in Croatia. There were reports that the groups supporting BiH were operating in 11 counties throughout BiH.

29/ Ten of the 14 groups working in support of BiH, eight of the 13 groups supporting Croatia, and 41 of the 56 Serbian paramilitary forces were reported to have operated locally.

30/ Paramilitary units working in support of BiH were reported to be conducting joint operations in five counties, those supporting Croatia in six counties, and those supporting FRY or the self-declared Serbian republics in 36 counties.

31/ Arkan's troops were reported in 28 counties and Šešelj's troops were reported in 34.

32/ Allegedly 55 paramilitary groups killed civilians, 26 allegedly destroyed property, 25 looted, 14 tortured, and 10 forcibly evicted.

33/ Of the 72 counties where paramilitary activity was reported, rape and sexual assault were reported in 32, prison camps in 46, and mass graves in 24. See Annex IX, Rape and Sexual Assault; Annex X, Mass Graves; Annex VIII, Prison Camps.

34/ In fact, until August of 1992 the most notorious Croatian paramilitary, the HOS, and the regular Croatian Army often had conflicting military objectives.

35/ David C. Isby, "Yugoslavia 1991--Armed Forces in Conflict", Jane's Intelligence Review, September 1991, at 402.

36/ See UN Commission on Human Rights, Report on the Question of the Use of Mercenaries as a Means of Violating Human Rights and Impeding the Exercise of a Right of Peoples to Self-determination, submitted by Mr. Enrique Bernales Ballesteros, Special Rapporteur, pursuant to Commission resolution 1993/5, U.N. Doc. E/CN.4/1994/23 (12 January 1994).

37/ Fifth Periodic Report of the Special Rapporteur of the Commission on Human Rights, pursuant to paragraph 32 of Commission resolution 1993/7 of 23 February 1993, E/CN.4/1994/47, at para. 13.

38/ The Other Balkan Wars: A 1913 Carnegie Endowment Inquiry in Retrospect 151 (1993) (originally published in 1914 as Report of the International Commission to Inquire into the Causes and Conduct of the Balkan

Notes (continued)

Wars).

39/ See Stan Markovitich, "Serbia", 33 RFE/RL Research Report 96 (April 1994) for a description of political events within Serbia during this period.

40/ The First Balkan War was largely an effort by Bulgaria, Greece, Montenegro, and Serbia to expel the Ottomans from the Balkans. The Second Balkan War broke out when Bulgaria attacked Serbia and Greece. Montenegrin, Ottoman and Rumanian troops joined the conflict to oppose Bulgaria. The two Balkan Wars ended Ottoman rule in the Balkans, except for a part of Thrace and Constantinople. Id. at 99.

41/ Staff of Senate Committee on Foreign Relations, 102d Cong., 2d Sess., The Ethnic Cleansing of Bosnia-Hercegovina 31 (Comm. Print 1992).

42/ The Other Balkan Wars: A 1913 Carnegie Endowment Inquiry in Retrospect 151 (1993) (originally published in 1914 as Report of the International Commission to Inquire into the Causes and Conduct of the Balkan Wars).

43/ Stan Markovitich, "Serbia", 33 RFE/RL Research Report 96 (April 1994).

44/ Id.

45/ James Gow, "One Year of War in Bosnia and Herzegovina", RFE/RL Research Report 11 (4 June 1994). Gow states that as early as mid-August 1991 ". . . the activities of the Yugoslav Army units stationed there [in BiH] were, in fact, aimed at linking most of the Republic with Serbia. According to Gow, the JNA expected a major influence on events in BiH from 1990 onward, including providing arms to the Serb population and encouraging local unrest.

46/ David C. Isby, "Yugoslavia 1991 - Armed Forces in Conflict," Jane's Intelligence Review, 402 (September 1991).

47/ As quoted by Roger Cohen in "Serbian General Who Calls the Shots: Determined and Calling the West's Bluff", New York Times, at 4 (17 April 1994).

48/ See Glenn E. Curtis, Yugoslavia, A Country Study 293, Table 5 (1992).

49/ The attack on Zvornik is one of two case studies on "ethnic cleansing". For the other study related to the Prijedor region, see Annex V.

50/ "Monster Town" in Vreme, No. 112, 15 November 1993, at 18.

51/ Kozarski Vjesnik, 9 April 1993.

52/ Siniša Vujaković's Interview of Simo Drljača, Kozarski Vjesnik, 9 April 1993 (the original is written in the Serbian language).

53/ Id.

Notes (continued)

54.See Appendix 3, The Structure and Location of the Forces Involved in the Battle and Siege of Sarajevo (Order of Battle); Appendices 6-9.

55.The publication, "Breakdown in the Balkans, A Chronicle of Events, January, 1989 to May, 1993," a Carnegie Endowment Special Publication compiled by Samantha Powers, utilizes reports from the Economist, Facts on File, Foreign Affairs, the Foreign Broadcast Information Service, the International Herald Tribune, Keesing's Record of World Events, the Los Angeles Times, the New York Times, Radio Free Europe/Radio Free Liberty Daily Report, the US Department of State Dispatch, and the Washington Post. This chronology was updated by the IHRLI staff.

56.Linden Productions has provided IHRLI and the Commission of Experts with volunteer services in creating a computerized videotape database archive, allowing all video footage to be stored in a digital format on CD-ROM.

57.This analysis is contained in the Appendices.

58.See Appendix 1, Sarajevo Targets of Shelling with Accompanying Key.

59.See Appendix 4, List of Most Frequently Hit Targets With Dates of Shelling Recorded in the Chronology of the Battle and Siege of Sarajevo.

60.See Appendix 3, Table of Frequency of Shelling in Sarajevo Areas. This table provides a monthly breakdown of the shelling activity in each of the areas designated in the city and is based upon reports contained in the chronology.

61.See Appendix 6, Photographs Picturing Targets Shelled in Sarajevo. These photographs were submitted by the BiH War Crimes Commission and other sources. In addition to including photographs of shelled targets, this Appendix contains listings of reported shelling dates for the targets which frequently appear in the chronology. Background summary descriptions are also provided for some of the targets pictured.

62.A team of statisticians from the DePaul University Department of Mathematical Sciences, under the supervision of Dr. Effat Moussa, Director of Graduate Program Applied Mathematics, and graduate student Diane Horstman, helped analyse the statistical information in the chronology.

63.See Appendix 2, Table of Total Daily Shelling Activity Reported.

64.See Appendix 2, Daily Casualty Totals Reported: Number Killed. This table includes only those reports in the chronology which document the daily total number of persons killed. Numbers of reported killed in individual incidents are not included.

65.See Appendix 3, Table of Daily Casualty Totals Reported: Number of Wounded. This table includes only reports in the chronology which document the total number of persons wounded. Numbers of reported wounded from individual incidents are not included.

Notes (continued)

66.See Appendix 2, Graph of Reported Shelling Activity and Casualties by Day. This graph presents the information contained in Appendix 2, Total Daily Shelling Activity Reported, Appendix 2, Daily Casualty Totals Reported: Number Killed, and Appendix 3, Daily Casualty Totals Reported: Number Wounded. By combining the daily shelling and casualty reports in a graph form, it is meant to present the most complete picture of the events in Sarajevo during the siege. See also, Appendix 2, Graph of Reported Shelling Activity and Casualties by Week. This graph is a weekly breakdown of Appendix 2, Reported Shelling Activity and Casualties by Day.

67.See Appendix 2, Graph of Sarajevo Shelling and Casualties: Relationship to Political Events. This graph contains the same information as Appendix 2, Reported Shelling Activity and Casualties by Day, but also charts significant political events contained in the chronology.

68.See Appendix 1 for maps of Sarajevo. The first map is a detailed city plan. The second and third maps illustrate the Sarajevo's topography and the areas surrounding the city.

69.Sarajevo was a cosmopolitan city sharing many characteristics with other major European cities. The surrounding areas are, however, generally inhabited by a rugged, mountain-rural population. There are, therefore, significant social differences between the city's defenders and the besiegers.

70.See Appendix 2, Weekly Casualties Source: BiH Institute for Public Health. The casualty reports contained in this table are based on Institute for Public Health Bulletins beginning on 26 June 1992 and ending on 27 September 1993. Any inconsistencies which appear in the data reported by the Institute for Public Health are noted. For example the Bulletins reviewed initially reported victims as "killed", but subsequently listed victims under a broader category: "killed, died of undernourishment, cold and missing." As a result, the table lists this category as "killed or missing" and the sudden increase in numbers from 2,349 to 7,468 on 9 November 1992, reflects the change in the Institute for Public Health's methodology. Similarly, on 16 August 1992, there is a sudden increase in the total number of wounded from 9,446 to 22,677. This increase is due to the fact that the Institute for Public Health then began reporting both severely and lightly wounded persons. The total of 22,677 represents the combined number of persons wounded and thereafter remains consistent. Further, on 9 November 1992, there is a decline in the number of heavily wounded from 13,605 to 12,000. This sudden decline remains unexplained.

71.It is not clear exactly what percentage of these casualties involve civilians and non-combatants. However, the following indicates that a high percentage of the city's victims have been civilians: the 2 August and 10 August 1992 Bulletins estimated that 70 per cent of the casualties were civilian; the 19 August 1992 Bulletin estimated that 75 per cent of the casualties were civilian; and the 27 September 1992 Bulletin estimated that 80 per cent of those killed and 75 per cent of the wounded were civilians. Information obtained by the Canadian War Crimes Investigative Team from Dr. Arif Smajkic of the Health Institute indicated that about 85 per cent of the casualties in Sarajevo itself were non-combatants. See Annex VI.A, Sarajevo Investigation.

Notes (continued)

72.See Appendix 2, Daily Casualty Totals Reported: Number Killed, for a table containing the daily reports appearing in the chronology where the total number of persons reported killed is documented.

73.See Appendix 2, Daily Casualty Totals Reported: Number Wounded for a table containing the daily reports appearing in the chronology where the total number of persons reported wounded is documented.

74.The city's residents have attempted to maintain relative normality in the lives of their children. Makeshift elementary schools have been established throughout the city in positions away from snipers and shellfire. These schools move from building to building, partly because the classrooms have been destroyed, but also because groups of children have become targets of shelling attacks. Despite these efforts, the schools are still attacked. For example, on 9 November 1993, a Sarajevo schoolhouse was hit by shellfire, killing at least three children and their teacher, and wounding dozens of others. More recently on 3 January 1994, two shells exploded near a crowd of children as they left a kindergarten, killing at least one and wounding several others.

75.See Appendix 6, which includes several photographs of the makeshift cemeteries which have appeared throughout the city.

76.Structural and property damage in this report refers to the infrastructure, as well as to publicly and privately owned property. For a specific treatment of the destruction of utilities, see Annex VI.

77.See materials submitted by the BiH Government, IHRLI Doc. No. 027259-60.

78.See Council of Europe, Third Information Report on War Damage to the Cultural Heritage in Croatia and Bosnia-Hercegovina, presented by the Committee on Culture and Education, 20 September 1993, Doc. 6904, IHRLI Doc. No. 39833.

79.See Appendices to Annex VI.

80.For a comprehensive breakdown of the forces around the city, see Appendix 8, The Structure and Location of the Forces Involved in the Battle and Siege of Sarajevo (Order of Battle).

81.Reports indicate that Hajrulahovic served as the 1st Corps commander through at least 9 May 1993.

82.See Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field (12 August 1949), 75 UNT.S. 31; Geneva Convention for the Amelioration of the Condition of the Wounded, Sick and Shipwrecked Members of the Armed Forces at Sea (12 August 1949), 75 UNT.S. 85; Geneva Convention Relative to the Treatment of Prisoners of War (12 August 1949), 75 UNT.S. 155; Geneva Convention Relative to the Protection of Civilian Persons in Time of War (12 August 1949), 75 UNT.S. 287.

83.1977 Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of International Armed Conflicts (Protocol I) (ICRC 1977); 1977 Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of Non-

Notes (continued)

International Armed Conflicts (Protocol II) (ICRC 1977).

84.Convention Respecting the Laws and Customs of War on Land, signed at the Hague on 18 October 1907.

85.1954 Hague Convention on Cultural Property in the Event of Armed Conflict, 14 May 1954, 249 United Nations Treaty Series 240 (1956).

86.UNPROFOR has reported that BiH forces have been scattered in different parts of the city and that they have set up mortars and artillery beside hospitals and schools. The location of military forces and weapons too close to civilian or other protected targets may either justify return fire or provide a basis for "military necessity". However, clearly, this does not apply to intentional attacks upon civilian targets and intentional targeting of civilian targets and sniping against civilians. In addition, there may be questionable situations such as the area near the UN-controlled Sarajevo airport. This area constitutes a corridor between the inner-perimeter defenders and the outer-perimeter defenders. Although neither side is permitted in this enclave, it is, however, used on a regular basis by the defenders to bring supplies and munitions from the inner-perimeter to the outer-perimeter defenders.

87.See Appendix 2, Total Daily Shelling Activity Reported.

88.The chronology contains shelling counts provided in available UNPROFOR daily, weekly and monthly reports, as well as in media, wire reports and other sources. UNPROFOR did not officially begin counting shelling activity in Sarajevo until October 1992. Additionally, UNPROFOR reports contain daily shelling counts for only a fraction of the siege.

89.See Appendix 4, List of Most Frequently Hit Targets with Dates of Shelling Recorded in the IHRLI Chronology of the Battle and Siege of Sarajevo.

90.Because of the sniping and shelling in the city, journalists at Oslobodjenje are required to remain in the building to work in seven day shifts. According to reports, five of Oslobodjenje's staff have been killed and 20 wounded, including its editor Kemal Kurspahic. But despite near total destruction of its building, restricted electricity and a shortage of paper, the newspaper has been published ever day. For many of Sarajevo's residents, Oslobodjenje has been the only source of information since a lack of power and a shortage of batteries renders radios and televisions useless. See Askold Krushelnycky, "Voice of the People that Refused to be Killed by War," The European, 9-12 September 1993.

91.See Appendix 3, Table of Frequency of Shelling in Sarajevo Areas; and Appendix 4, List of Most Frequently Hit Targets With Dates of Shelling.

92.See Appendix 9.

93.See Commission on Human Rights, Fifth periodic report on the situation of human rights in the territory of the former Yugoslavia submitted by Mr. Tadeusz Mazowiecki, Special Rapporteur of the Commission of Human Rights, UN Doc. E/CN.4/1994/47, 17 November 1993.

Notes (continued)

94. It is interesting to note that before the siege, Bosnian Serb leader Radovan Karadžić served for many years as a clinical psychiatrist at the Koševo Hospital.

95. It has been observed that following infantry attacks by the defensive forces and other efforts to break the siege, the besieging forces have often retaliated with intensive shelling into the city centre causing extensive damage and a high number of casualties. UNPROFOR has observed that the besieging forces have inferior infantry to mount counter-attacks and therefore use mortar and tank fire to shell the city. This fire is usually directed towards civilian areas.

96. The chronology contains reports of sniping attacks by both BSA and BiH forces.

97. The siege has proven particularly dangerous to the city's rescue workers. For example, the Sarajevo Fire Department reported that its casualty rate was 10 per cent higher than that of the BiH army.

98. It has been observed that the besieging forces have often increased their artillery attacks on the city prior to and during the international peace conferences. See Appendix 2, Sarajevo Shelling and Casualties: Relationship to Political Events, and the examples below. One explanation for this increased shelling activity is that the besieging forces are using the siege as a means to politically pressure the BiH government to agree to peace terms favourable to the Bosnian Serbs.

99. It has been observed that the besieging forces have on many occasions increased shell fire in reaction to statements made by local political leaders. It has also been observed that the besieging forces seem to calculate events and the risks that they can take in relation to threats by third-party governments and organizations. In this regard, when threats by third-party governments or organizations are not perceived as immediate, the besieging forces increase or continue their shelling of the city. For example, Sarajevo was hit with a siege-high 3,777 shells on 22 July 1993 after the US ruled out direct intervention to prevent the shelling of the city. The opposite behaviour was observed in August 1993, when President Clinton warned that the US would consider bombing Serbian forces if the shelling of Sarajevo continued. When this threat appeared immediate, the attacks on Sarajevo diminished and Serbian troops were withdrawn from the surrounding mountains to the south-west. Likewise, in reaction to NATO's ultimatum on 9 February 1994 which gave Bosnian Serb forces 10 days to withdraw their heavy weaponry or face airstrikes, the besieging forces substantially complied and curtailed their shelling of the city. This behaviour by the besieging forces suggests that there is a centralized command and control of the besieging forces and that when there is pressure for the shelling to stop, it does.

100. See also II below (Chronology); Appendix 2, Sarajevo Shelling and Casualties: Relationship to Political Events.

101. This shell count does not appear in the statistical data since there is no report on the total number of shells fired for the day.

Notes (continued)

102.See Commission on Human Rights, Situation of Human Rights in the Territory of the Former Yugoslavia, Third periodic report on the situation of human rights in the territory of the former Yugoslavia submitted by Mr. Tadeusz Mazowiecki, Special Rapporteur of the Commission on Human Rights, UN Doc. E/CN.4/1994/6, 26 August 1993.

103. It has been estimated by the United Nations that the average adult in the city has lost approximately 25 pounds.

104. Berlin had received more than two million tons of food and coal on 277,000 flights, while Sarajevo had received 63,000 tons of aid on 5,800 flights.

105.Most recently on 4 May 1994, a German plan carrying UN relief supplies and Germany's new ambassador to BiH was hit by three bullets at the Sarajevo airport. Soon afterward, an Ilyushin-76 plane, flying for the American Soros foundation was hit once by small arms fire. The airlift was suspended thereafter. See Associated Press, "Aid Flights to Sarajevo Suspended, German Ambassador's Plane Hit by Gunfire," Chicago Tribune, 5 May 1994.

106.See Appendices 3 and 4.

107.The reports reviewed demonstrate that on occasions, even a single shot fired in the direction of a relief aircraft has suspended the humanitarian airlift. The forces therefore know that any shelling or combat between them in the airport area will inevitably suspend the airlift.

108.One consequence of cutting down these trees is that the city has become more vulnerable in that snipers and gunners have a better view of their targets.

109.A UN investigation of the market shelling was inconclusive. A five-member investigative team found that the market blast was caused by a single high-explosive bomb from a conventional, factory made 120 millimetre mortar. The precise location of the weapon that fired the round could not be established. See UN Background Paper, "Sarajevo Market Explosion of 5 February 1994, A Background Summary of UNPROFOR's Investigative Report," 16 February 1994, IHRLI Doc. No. 63707.

110.According to UNPROFOR reports, a total of 296 heavy BSA weapons were either turned in or were being monitored. A total of 46 BiH weapons were accounted for. See UNPROFOR list of weapons collected in the Sarajevo area, IHRLI Doc. No. 63775.

111.There are, however, reports as recent as 4 May 1994, that while the two month truce has generally held in the city, UNPROFOR has noted a recent increase in violations of the NATO ultimatum. A UN spokesman, Major Dacre Holloway, said that at least two or three explosions heard in the city on 4 May, were probably tank cannons. Holloway also said that a BSA tank was spotted earlier in the day in Krupac, just south of BSA-held Lukavica. Both suburbs are inside the arms exclusion zone. See Associated Press, "Aid Flights to Sarajevo Suspended, German Ambassador's Plane Hit by Gunfire," Chicago Tribune, 5 May 1994.

Notes (continued)

112.The team did not choose the incident prior to arriving in Sarajevo. Certain criteria, such as the number of casualties and sources of information, were used to determine which incident to investigate.

113.They visited Sarajevo from 24 June to 8 July 1993 during which time they met with Bosnian officials and military personnel and visited several buildings and areas that were shelled during the siege.

114.Annex VII was prepared under the direction of Commissioner Fenrick. Major J.C. Holland, Canadian Armed Forces, was the principal legal analyst.

115.The Medak Pocket was under Serb control at the time of the attack. The Pocket is a small territory which is partially in Croatia.

116.See also Annex IX for a specific analysis on rape and sexual assault in the camps.

117.For information on mass graves, see Annex X.

118.These interviews reflect the best efforts of the Commission with the limited time and resources available. When the Commission's mandate ended, it was receiving an average of 15 witness calls per day. Because the mandate ended, these people were unable to give statements. Further, the field investigation itself is not complete. The Commission would have worked in Bosnia and Herzegovina and the Federal Republic of Yugoslavia had there been time and resources. Additionally, the investigation would have covered those countries with concentrations of refugees. In fact, the government of Turkey had invited the Commission to interview refugees there. There are about 18,000 refugees in Turkey. Thus, this report does not have the full picture and can not purport to describe the full extent of sexual violence in the former Yugoslavia. For more information on the Commission's field investigation, see Annex IX.A.

119.The cases from Sweden and Austria were not entered into the database nor were they considered as part of the database study based on concerns for confidentiality.

120.Investigations have been conducted by innumerable journalists, non-governmental organizations such as Amnesty International, Equality Now, Helsinki Watch, the World Council of Churches, and intergovernmental organizations such as the European Community. Danish Mission, "Annex I: European Community Investigative Mission into the Treatment of Muslim Women in the Former Yugoslavia", Submission to the United Nations Security Council, U.N. Doc. S/25240 (3 February 1993). Within the United Nations a mission was carried out in January 1993 by medical experts working under the mandate of the Commission on Human Right's Special Rapporteur on the Human Rights situation in the former Yugoslavia. Tadeusz Mazowiecki, Special Rapporteur to the Commission on Human Rights, Report of the Team of Experts on Their Mission to Investigate Allegations of Rape in the Territory of the Former Yugoslavia U.N. Doc. E/CN.4/1993/50 (10 February 1993). See also Secretary General, Report on Rape and the Abuse of Women in the Territory of the Former Yugoslavia, U.N. Doc. E/CN.4/1994/5 (30 June 1993).

Several groups have also submitted recommendations for assisting the victims of rape and sexual assault and ensuring accountability for

Notes (continued)

perpetrators. See e.g., "The Center for Reproductive Law and Policy", Meeting the Health Needs of Women Survivors of the Balkan Conflict (1993); "International Human Rights Law Group", No Justice, No Peace: Accountability for Rape and Gender-Based Violence in the Former Yugoslavia (June 1993).

121.Examples of this type of allegation are, "20,000 women have been raped". These allegations are so general that they provide no useful information for analysis. This particular allegation comes from the European Community Delegation, headed by Dame Anne Warburton, and including Madame Simone Veil among others. This mission investigated only Muslim allegations of rape and sexual assault. The investigators spoke to few direct witnesses or victims, but concluded that the most reasoned estimate of the number of Bosnian Muslim victims of rape was 20,000. The investigators gave no reasons for their arrival at this figure and offered no evidence for its accuracy. Danish Mission, "Annex I: European Community Investigative Mission into the Treatment of Muslim Women in the Former Yugoslavia", Submission to the United Nations Security Council, U.N. Doc. S/25240 (3 February 1993).

Within the United Nations a mission was carried out in January 1993 by medical experts working under the mandate of the Commission on Human Right's Special Rapporteur on the Human Rights situation in the former Yugoslavia. The team of experts discovered 119 documented cases of pregnancy resulting from rape. They stated that medical studies suggest that one in every 100 incidents of rape results in pregnancy. Thus, the 119 cases were likely to represent about 12,000 cases of rape. This number is not exact, however, given the number of victims who reported that they experienced multiple rapes, and was put forward only as a guide to the general scale of the problem. Tadeusz Mazowiecki, Special Rapporteur to the Commission on Human Rights, Report of the Team of Experts on Their Mission to Investigate Allegations of Rape in the Territory of the Former Yugoslavia U.N. Doc. E/CN.4/1993/50 (10 February 1993).

122.Many victims are referred to using a code number created by the submitting source, initials, or a pseudonym.

123.Some of these victims are referred to either by first name, description, or some other way such as, "there were six other women in the room".

124.These reports identified generically that women were raped in a particular location. Though such allegations are very general, they provide enough information that they corroborate other accounts. Thus they were worthy of being included in the study.

125.These reports referred to the class of perpetrators by military affiliation, ethnic affiliation, or as "they". Some of the reports did not mention the perpetrators at all but stated "x was raped" in a certain location on a certain date.

126.Many fear that expatriate fighters, members of Special Forces and mercenaries may reach them in states where the victims have taken refuge. For a detailed discussion of military formations, see Annex III. For a detailed analysis of paramilitary formations, see Annex III.A.

Notes (continued)

127.Additionally, many women have received support from victim's organizations, women's organizations, and "Home Clubs". In fact, for really the first time, there is a sort of women's solidarity movement, worldwide, but especially in the former Yugoslavia and states housing refugees. This solidarity movement brings a great deal of support for victims of rape and sexual assault.

128.Most rapes and sexual assault allegedly occurred in the Federal Republic of Yugoslavia (FRY) and Croatia in the later part of 1991. In BiH, most alleged rapes and sexual assaults occurred in the middle to late part of 1992.

129.Though some level of custody of the victim is required to commit rape and sexual assault, the definition of custody used by the study was more technical. Much like the American definition of kidnapping, custody for the purposes of the study required some control over the victim for a period of time and to an extent greater than that involved in committing the offence. Therefore, a victim who was kidnapped, taken to a site, raped and sexually assaulted for a period of hours and then released or abandoned was not raped and sexually assaulted in a custodial setting. If the victim was taken from a detention centre, or kept for a period of days or longer, the rape and sexual assault would have occurred in a custodial setting.

130.In the context of this conflict, the different ethnic groups have different religions, therefore ethnicity in this case has a religious component. Thus, the term "ethnic cleansing" means the attempt to remove an ethnic or religious group from a given area.

131.There are alternative spellings for BiH. Submitting sources use both spellings, so, in citations, the country is spelled as the submitter spelled it. To avoid the inconsistency in the text, BiH is used.

132.With this pattern there is evidence that the key motivation for the alleged perpetrators is access to the victims, rather than a direct order to commit the rapes and sexual assaults. That is not to say that the pattern is inconsistent with such an order, rather, the evidence suggests access was the key.

133.There is little evidence that men were held for the purpose of sexual assault.

134.These are often called "bordellos", and there is no evidence that men were held for the same purposes. These differ from the previous category because they seem to be organized for the purposes of supplying sexual gratification for men, rather than for the purpose of punishing the detainees.

135.See generally, Yugoslav Mission, Memorandum on War Crimes and Crimes of Genocide Committed Against the Serbian People in the area of the Former Commune of Odžak by Ustashi-Fundamentalist Paramilitary Formations and Members of the National Guard of the Republic of Croatia, U.N. Docs. A/48/299, S/26261 (6 August 1993), IHRLI Doc. Nos. 36439-366

136.See paragraphs 172-189 on Prijedor for more information. See also Annex V on the Prijedor area.

137.See paragraphs 47-60 on Bosanski Brod and Odžak for more information.

Notes (continued)

138.See paragraphs 128-129 on Goražde for more information.

139.For a discussion of forced impregnation as a war crime separate from rape, see Anne Tierney Goldstein, The Center For Reproductive Law and Policy, Recognizing Forced Impregnation as a War Crime Under International Law (1993). These pregnancy-oriented components were not always present. Sometimes other factors that heightened the humiliation were present. An example of this is the camp at Veljko Vlahović in Rogatica, where girls were repeatedly raped and sexually assaulted in front of each other, forced to drink alcohol, sit on mines, jump out of windows, etc. See paragraphs 190-199 on Rogatica for more information.

140.See paragraphs 90-100 on Doboj for more information.

141.See paragraphs 144-147 on Konjic for more information.

142.See paragraphs 155-167 on Mostar and Čapljina for more information.

143.Civilians also frequented these sites and used and abused the women held there.

144.These feelings were described by many of the victims whose accounts were included in this study.

145.The next greatest percentage of alleged perpetrators is "unknown". See paragraph 3 for the ethnic breakdown of detention sites.

146.Rape and sexual assault should be examined in the context of the practice of ethnic cleansing discussed in Annex IV and the practices in concentration camps discussed in Annexes V and VIII.

147.Annex IX.A was prepared under the direction of the Chairman. Karen Kenny, Consultant to the Commission of Experts and Interviews Coordinator for the Investigation, was the principal legal analyst. Dr. Stephanie Cavanaugh, Consultant to the Commission, was the principal medical analyst.

148.As simple breaches, burials in violation of these provisions carry only disciplinary penalties.

149.Chapter II, Article 19 of the Annex to the Hague Convention of 1907 provides that "the same rules shall be observed regarding death certificates as well as for the burial of prisoners of war, due regard being paid to their grade and rank".

150.See also Protocols I and II for clarification of these provisions. Protocol I applies to international armed conflicts and Protocol II applies to non-international armed conflicts.

151.This duty is explained in Article 15, First Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field (1949), and Article 18, Second Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea (1949). Both articles provide substantially similar information.

Notes (continued)

152.Article 16, Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field (1949); Article 19, Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea (1949); Article 120, Geneva Convention Relative to the Treatment of Prisoners of War (1949), Article 129, Geneva Convention Relative to the Protection of Civilian Persons In Time of War (1949).

153.If cremation takes place, the circumstances of the cremation and the reasons for doing so must be detailed on the decedent's death certificate.

154.Article 17, Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field (1949); Article 20, Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea (1949); Article 120, Geneva Convention Relative to the Treatment of Prisoners of War (1949); Article 130, Geneva Convention Relative to the Protection of Civilian Persons In Time of War (1949).

155.Non-governmental organizations which have cooperated with the Commission are listed in Annex I.B, List of Missions Undertaken by the Commission.

156.An example of this type of grave would be where a group of civilians was executed by machine-gun fire, and their fellow villagers conducted a proper burial in the local cemetery according to the appropriate religious rites.

157.The following counties contain at least one reported mass gravesite and are addressed in the report: Bijeljina, Bosanski Brod, Bosanska Dubica, Bosanski Novi, Bosanski Petrovac, Brčko, Doboj, Foca, Gacko, Gospić, Ključ, Konjic, Kotor Varoš, Kupres, Modriča, Mostar, Nova Gradiška, Odžak, Ogulin, Osijek, Pakrac, Petrinja, Podravska Slatina, Prijedor, Rogatica, Sanski Most, Sarajevo, Slavonska Požega, Sokolac, Srebrenica, Titova Korenica, Tomislavgrad, Travnik, Vinkovci, Vlasenica, Vukovar, Zenica and Zvornik. Mass graves have also been reported to exist in the county of Bratunac, which was the subject of a previous report and is not covered here.

158.This number will fluctuate as additional information is received by IHRLI.

159.For a discussion of the mass grave investigation at Pakracka Poljana, see Annex X.B, Mass Graves - Pakračka Poljana, UNPA Sector West, Croatia.

160.For example, in the Brčko county, many of those buried in mass graves were prisoners of the Serb-run Luka camp. Most of the graves, however, only specified that the people were Luka prisoners, not that the identified perpetrators were Serbs.

161.For example, if a report noted that 20 civilians were lined up against a wall and killed by automatic weapons fire, the victims would be classified as victims of a mass killing.

162.An example of a grave which was deliberately concealed is Ovčara, an agricultural complex a few kilometres south of Vukovar. The gravesite at Ovčara is in a field near a dumpster, where the burial grounds are difficult to discover. For a discussion of the site explorations at Ovčara, see Annex X.A, Mass Graves - Ovčara Near Vukovar, UNPA Sector East.

Notes (continued)

163. For a more detailed discussion of the policy of "ethnic cleansing", see Annex IV, The Policy of Ethnic Cleansing, and, more specifically, Annex V, The Prijedor Report.

164. Some of the gravesites in Vukovar county may be an exception to this trend. Croatian civilians, as well as JNA forces, were reported to have registered many victims of the fighting in Vukovar. JNA forces were also said to have dug up bodies previously interred and taken them to for proper autopsy and burial. See the section on Vukovar for a more detailed discussion of these procedures.

165. For a more detailed discussion of the gravesites in Blagaj, see below.

166. See Annex IV, The Policy of Ethnic Cleansing, and Annex V, The Prijedor Report.

167. Id.; see also Annex VIII, Prison Camps.

168. In 1979, the United Nations Educational, Scientific, and Cultural Organizations (UNESCO) placed Dubrovnik on the World Heritage List. In 1991, the JNA attacked the town and caused an extensive amount of damage to historical, cultural and religious property. The damage was allegedly out of proportion to what was reasonably expected, given the number and location of valid military objectives within the district. Therefore, the Battle of Dubrovnik was chosen for a study of the laws of war as applied to destruction of cultural property. Annex XI.A was prepared under the direction of Commissioner Fenrick by Lieutenant-Colonel Dominic McAlea, Canadian Armed Forces, Colin Kaiser, Consultant to the Commission of Experts, Major Terje Lund, Norwegian Armed Forces, and Major Oyvind Hoel, Norwegian Armed Forces.

FINAL REPORT OF THE UNITED NATIONS COMMISSION OF EXPERTS ESTABLISHED PURSUANT TO SECURITY COUNCIL RESOLUTION 780 (1992)

ANNEX I

RULES OF PROCEDURE OF THE COMMISSION OF EXPERTS

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RULES OF PROCEDURE OF THE COMMISSION OF EXPERTS

1. Mandate

The Commission shall examine and analyse the information submitted by States, international humanitarian organizations, or other persons or bodies pursuant to Security Council Resolutions 771 (1992) and 780 (1992), as well as such further information as the Commission may obtain through its own investigations or efforts, with a view to providing the Secretary-General with its conclusions on the evidence of grave breaches of the Geneva Conventions of 12 August 1949 and other violations of international humanitarian law committed in the territory of the former Yugoslavia.

2. Meetings and quorum

1. The Commission shall hold its meetings in private but may open them to the public as, and when, it deems it necessary for the enhancement of the effectiveness of its work.

2. The Commission shall meet at such times as it may designate; meetings may otherwise be called by the Chairman, as a rule with at least one week's notice.

3. The Chairman may declare a meeting open when at least a majority of the members of the Commission are present. The presence of a majority of the members shall be required for any decision to be taken.

3. Restraint in the disclosure of information

Members of the Commission shall exercise restraint in disclosing information. They shall refrain from taking a stand in public on any confidential question under discussion in the Commission. The Chairman will make information on the work of the Commission available to the extent he deems it appropriate.

4. Powers of the Chairman

The Chairman shall declare the opening and closing of each meeting of the Commission and, at such meetings, shall direct the discussions, accord the right to speak, put questions to the vote, announce decisions, rules on points of order, and have complete control of the proceedings.

5. Secretariat

The Secretary of the Commission shall be responsible for making all arrangements connected with the work of the Commission, including arrangements for the meetings of the Commission. He or she shall distribute documents and materials to the members of the Commission as requested by the Commission, its Chairman, or any member thereof, and shall be responsible for the preparation of the records of the meetings of the Commission.

6. Records

1. The Commission will be provided with records of its meetings in both English and French.

2. The Commission will arrange for the safe keeping and conservation of its records and files. After the conclusion of its work, the Commission will transmit its record and files to the Secretary-General of the United Nations.

7. Participation of States, international humanitarian organizations, or other persons or bodies

The Commission may invite States, international humanitarian organizations, or other persons or bodies to participate in its discussions, when the Commission deems it necessary for the enhancement of the effectiveness of its work.

8. Investigations

1. The Commission may hear witnesses or experts, on its own initiative or upon proposal by States, international humanitarian organizations, or other persons or bodies. In such cases, the Commission shall determine the modalities for summoning witnesses and experts. States, whose nationals have been summoned to appear before the Commission as witnesses or experts, may be invited to be present when their nationals are heard.

2. The Commission may decide to request States to hear witnesses or experts.

3. The Commission may decide to visit the territory of one or more of the States that formed part of the former Yugoslavia, or any other State, upon invitation or on its own initiative with the consent of any such State. Visits may be carried out by the Commission in its entirety, by one or more of its members, or by staff of the Commission, as decided by the Commission.

9. Decisions

The Commission will make every effort to take its decisions by consensus. In the absence of consensus, decisions of the Commissions will be taken by a majority of the members present and voting.

10. Reports

1. The Commission may designate a rapporteur for any question of a general or specific nature.

2. The Commission shall report its conclusions to the Secretary-General, in accordance with Security Council Resolution 780 (1992).

3. Members of the Commission who wish to make a separate statement may have such a statement appended to the report.

11. Other procedural matters

Any procedural matters arising at a meeting which are not covered by these rules shall be dealt with by the Chairman in light of the rules of procedure applicable to Committees of the General Assembly.

FINAL REPORT OF THE UNITED NATIONS COMMISSION OF EXPERTS ESTABLISHED PURSUANT TO SECURITY COUNCIL RESOLUTION 780 (1992)

ANNEX I.A
THE DATABASE AND DOCUMENTS RECEIVED

Under the Direction of:

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Chairman and Rapporteur on the Gathering
and Analysis of the Facts, Commission of Experts
Established Pursuant to Security Council Resolution 780 (1992)

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I. INTRODUCTION

1. This report describes the document handling, database entry and security procedures implemented by the Commission's Rapporteur on the Gathering and Analysis of the Facts at the DePaul University International Human Rights Law Institute (IHRLI). In December 1992, the Rapporteur on the Gathering and Analysis of the Facts established the database and documentation centre at IHRLI. As of 30 April 1994, over 65,000 pages of documents were received from governments, United Nations bodies, intergovernmental organizations (IGOs), non-governmental organizations (NGOs), and other sources, as detailed below. Over 5,600 cases have been logged into the database. In addition to the above materials, the documentation centre has a collection of videotapes, maps, and photographs.

2. In March 1993, the Commission and IHRLI agreed that data gathering, the creation of a database, and data analysis would be done by IHRLI under the direction of Rapporteur Professor M. Cherif Bassiouni. IHRLI did not receive remuneration or reimbursement from the United Nations or the Commission for this work. All costs, including personnel costs, were met by grants and in-kind contributions to IHRLI.

3. The costs of the database operations from December 1992 to April 1994 exceeded $1,100,000. IHRLI received over $850,000 in grants from the Soros Foundation and the Open Society Fund, and a $300,000 grant from the John D. and Catherine T. MacArthur Foundation. Through April 1994, IHRLI received approximately $250,000 of in-kind contributions from DePaul University for space and indirect costs.

4. IHRLI also benefited from the contributions of volunteer attorneys and students. Attorneys from Chicago, New York, Minnesota, and Washington, D.C. contributed pro bono services to IHRLI over the life of the database project. As part of their efforts, a number of attorneys relocated to Chicago to work on the project. A large number of law students, graduate students and post-graduate students also served as volunteers.

5. IHRLI transmitted all original documents and complete copies of the database software and the information contained therein to the Prosecutor's Office of the International Criminal Tribunal for the Former Yugoslavia (ICTFY).

II. SOURCES OF DOCUMENTS

6. The documentation centre received documents from governments, United Nations bodies, IGOs, NGOs, and other sources. Many of these documents were obtained through the Commission, but over half were obtained independently by IHRLI. A large number of the documents obtained by the Commission and IHRLI are now in the public domain. Some Commission documents were not forwarded to IHRLI for confidentiality reasons.

7. IHRLI received many documents in languages other than English, particularly in Serbo-Croatian. IHRLI relied on volunteer translators to translate these documents into English for entry into the database and for analysis by IHRLI attorney-analysts.

A. Submissions by governments

8. The following Governments submitted reports and materials to the Commission pertaining to the large-scale victimization that has occurred in

the former Yugoslavia: Albania, Australia, Austria, Belgium, Bosnia and Herzegovina, Burkina Faso, Canada, Colombia, Croatia, Denmark, Federal Republic of Yugoslavia, France, Germany, Iran, Italy, Kenya, the Netherlands, Norway, Russia, Republic of Serbia, Saudi Arabia, Slovenia, Spain, Sweden, Switzerland, Turkey, Ukraine, United Arab Emirates, United Kingdom, United States of America, and Venezuela.

9. A number of reports received from governments provided data relating to specific occurrences which, if supported by evidence, would constitute "grave breaches" of the Geneva Conventions and other violations of international humanitarian law. The Governments of Austria, Bosnia and Herzegovina, Canada, Croatia, the Federal Republic of Yugoslavia, France, Germany, Norway, Sweden, Switzerland, the United Kingdom and the United States of America were among the Governments which provided information that proved useful to the work of the Commission and ultimately will prove useful to the Prosecutor of the ICTFY. Several of the afore-mentioned Governments made multiple submissions.

10. Other submissions by governments ranged from general letters expressing support for initiatives taken by the United Nations, to re-publications of media reports, and to investigative studies and reports alleging or documenting "grave breaches" of the Geneva Conventions and other violations of international humanitarian law. Some of this documentation consisted of general background information.

11. Of the submissions described above, some were incorporated into formally submitted UN documents and are therefore in the public domain; other documents were submitted directly to the Commission only, and are therefore not in the public domain.

B. Submissions by the "warring parties" not recognized as states

12. The following parties also submitted relevant information through multiple submissions: Hrvatska Zajednica Herceg-Bosne (Croatian Community of Herceg-Bosnia), Republika Srpske Krajine (Republic of Serbian Krajina), and Republika Srpska (Serbian Republic).

C. Information received from United Nations bodies

13. The following UN bodies were a source of information to the Commission: United Nations Centre for Human Rights; Committee on the Rights of the Child; Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions; Special Rapporteur on Arbitrary Arrest and Detention; Special Rapporteur on the Situation of Human Rights in the Territory of the Former Yugoslavia; United Nations Commission on Human Rights; United Nations Educational Scientific and Cultural Organization (UNESCO); United Nations High Commissioner for Refugees (UNHCR); United Nations Children's Fund (UNICEF); United Nations Human Rights Committee; United Nations Program for Development; United Nations Protection Force (UNPROFOR); United Nations Committee on the Elimination of Racial Discrimination; United Nations Department of Public Information; and World Health Organization (WHO).

D. Submissions by IGOs

14. The following IGOs have submitted reports or provided information to the Commission, or published material which the Commission consulted: Conference on Security and Cooperation in Europe (CSCE), Council of Europe, European Community Monitoring Mission (ECMM), European Parliament, International

Committee of the Red Cross (ICRC), International Conference on the Former Yugoslavia (ICFY), North Atlantic Treaty Organization (NATO), and Organization of the Islamic Conference (OIC).

15. Some IGOs, because of their limited mandates and missions, did not provide all of the information to which they had access. The International Committee of the Red Cross, for instance, did a great deal of work in the prison camps, but only provided information which it published and which is in the public domain.

E. Submissions by NGOs

16. The reports received from a number of non-governmental and humanitarian organizations proved to be very useful in enabling the Commission to gather pertinent, substantiated data. The extent of the investigations giving rise to these reports, and the level of their analysis, demonstrated an effort and commitment on the part of many NGOs to produce verifiable facts. The accounts published in the reports of some NGOs, particularly those received from Human Rights Watch Helsinki, were detailed and most closely resembled the type of data the Commission needed to assess responsibility for "grave breaches" of the Geneva Conventions and other violations of international humanitarian law. NGOs from which the Commission or IHRLI received information are listed in Annex I.C below.

17. NGOs did not, however, provide the Commission with their supporting documentation, usually for fear of breaching confidentiality agreements or endangering the lives of their sources of information.

F. Other sources

18. While governments, UN bodies, IGOs, and NGOs provided most of the documentation to the Commission, other sources yielded some useful information. Private individuals submitted personal accounts of victimization, videotapes, photographs, and other relevant information. IHRLI also gathered valuable information from print and electronic media, including reports based on searches of the LEXIS/NEXIS and Foreign Broadcast Information Service (FBIS) databases. 1/

III. ASSESSMENT OF REPORTS RECEIVED BY THE IHRLI DOCUMENTATION CENTRE

19. The Commission and the Rapporteur experienced mixed results in their efforts to gather data and evidence of alleged violations of international humanitarian law. Many of the reports prepared by governments, UN bodies, IGOs, and NGOs consisted of general allegations which did not contain evidence. However, these sources were complemented by information provided by the warring parties' state war crimes commissions, other national organizations, media sources, and private individuals.

20. The reports received establish the large scale victimization that has taken place in the former Yugoslavia, but frequently did not contain the legal "evidence" necessary to bring criminal charges under international criminal law or under the domestic criminal law of states in whose territory those acts were committed. Some reports, however, contained specific information supported by evidence, such as affidavits, witness statements, photographs, maps, etc.

21. Since the submitting sources did not always provide sufficient

information to support their allegations, the incidents reported and entered into the database frequently lacked necessary information. Difficulties in data entry and analysis occurred because of the following common problems of the reports received: 1.) sources upon which reports were based were usually not verifiable because many reports did not disclose original sources; 2.) spellings of names and locations were often inconsistent, due to translation into the reporting language; 3.) locations were difficult to pinpoint, due to a lack of specific geographical information; 4.) reports of the same incident sometimes varied significantly in important details; 5.) property damage reports rarely included more than the type of property affected, and often lacked specific locations; 6.) numbers of victims or other variables were often reported within large ranges; 7.) names of victims, witnesses and perpetrators were often intentionally omitted from the reports; 8.) reports often failed to identify the specific military units involved in alleged incidents; and 9.) important details, which may not have seemed relevant to the reporter, were often omitted.

22. The Commission was not able to verify all of the reports received. In compiling reports, however, the IHRLI team of attorney-analysts were able to corroborate and check many of the allegations contained in the submitted reports by cross-referencing multiple reports of similar facts.

IV. THE IHRLI/LINDEN PRODUCTIONS VIDEOTAPE ARCHIVE PROJECT

23. IHRLI compiled a videotape archive containing media footage relating to alleged violations of international humanitarian law in the former Yugoslavia. In total, IHRLI received more than 300 videotapes. Of these, 36 videotapes were received from Commission sources, and the remainder were obtained by IHRLI independently.

24. All videotapes received at IHRLI were catalogued by a video documentarian. The documentarian labelled each videotape with the date received, the submitter, the title and a unique identification number. The video documentarian then screened each video, and prepared a brief summary for the video master index, which included a description of the tape's contents, running time, source of the tape, and broadcast date, if any. The tapes were then stored in a secure location.

25. Copies of all videotapes were then sent to Linden Productions 2/ in Los Angeles, which received a grant from IHRLI of $80,000, funded by the Soros Foundation, to cover the costs of video archiving. The tapes sent to Linden Productions were incorporated into a computerized video database, utilizing QuickTime software to display videotape on MacIntosh computers. Although the IHRLI database utilized a Foxpro-based program, the Linden video archive and the IHRLI database could be converted to compatible formats.

26. All videotape footage was categorized by Linden Productions into major subject categories, including rape, torture, deportation, prison camps, paramilitary action, destruction of cultural property, etc. The footage was then further processed in a database "shot list" and each shot was fully described and time-coded. The information was also catalogued to include incidents, locations, dates, witnesses, perpetrators, etc.

27. The fields of the video database at Linden Productions and the database fields at IHRLI are compatible. The contents of the video database can also be printed for easy reference. On the print-out format that Linden Productions designed, the video images appear along with transcriptions of the accompanying dialogue and the subject-matter categories described above. Requests for footage pertaining to a particular subject can be collected and

downloaded from the database to standard VHS videocassette format. The computerized archive facilitates the customized design of videotape presentations from available footage. The videotapes were used by the IHRLI attorney-analysts to compile their reports to the Commission.

28. All videotapes are stored at Linden Productions in special humidity and dust-free vaults, protected by security systems, and available only to restricted personnel.

29. Videotapes from the following sources were placed in the video archive:

(a) United Nations sources of videotapes: Commission of Experts, UNPROFOR, UNESCO;

(b) Government-owned or government-controlled sources of videotapes: SAGA (BiH), TV BiH (BiH), State Commission for Gathering Facts on War Crimes in Bosnia-Herzegovina (BiH), Croatian Information Centre (Croatia), Croatian Monitor (Croatia), RTV Belgrade (FRY), ARTE (France), Conseil Superieur de l'Audiovisuel (France), France 2, France 3, TFI (France), Auslandsreport (Germany), Teleskop (Germany), Dublin 4 (Ireland), RAI (Italy), BBC (UK), Channel 4 TV (U.K), Center for Defense Information (US Department of Defense), and Worldnet Productions (US Information Agency);

(c) Non-governmental sources of videotapes from the United States: ABC, CBS, CNN, ITN, NBC, PBS, Feed the Children, Foundation for a Compassionate Society/Change of Heart, Inc., Globalvision, Mercy International, Inc., Physicians for Human Rights, and Serbian-American Media Center.

V. THE IHRLI MAP COLLECTION

30. IHRLI compiled a collection of maps to assist in the analysis of events in the former Yugoslavia. In addition to maps from commercial sources, maps were received from the Governments of the United States and United Kingdom, from the United Nations, and from IGOs and NGOs. These maps cover a wide spectrum of scale and detail, ranging from maps of single cities and counties to maps of the entire territory of the former Yugoslavia. Topical maps in the collection display the distribution of ethnic populations, the dispositions of warring factions, and the presence of detention sites.

31. IHRLI received digitized maps from the Defense Mapping Agency of the United States Government. The maps, on compact disc, cover the entire area of the former Yugoslavia and permit viewing on a computer monitor at various levels of detail.

32. Maps received from United Nations sources include the following: dispositions of warring factions in Sarajevo, dispositions of warring factions in Bosnia and Herzegovina at various dates, dispositions of United Nations forces at various dates, population distribution maps, and province boundary maps.

33. IHRLI added a cartographer to its staff to assist its attorney-analysts in the best use of the map collection and to create maps based upon the analysis done at IHRLI. The IHRLI cartographer worked with the IHRLI attorney-analysts to develop maps of detention sites, rape sites, ethnic distributions, and the targets of shelling in Sarajevo.

VI. THE IHRLI DOCUMENTATION SYSTEM

34. The IHRLI documentation system was developed to meet the following goals: 1.) preserving the integrity of the documents received; 2.) facilitating the retrieval of documents; and 3.) verifying that the documents are analyzed and correlated. The system was predicated on the sequential numbering of all documents received. Relevant source information for each document was entered into a separate source database that interfaced with the main database. This system was developed after consulting with attorneys experienced in complex and multi-party litigation.

35. Documents received by IHRLI from all sources were submitted directly to a documentarian, who monitored the flow of all documents pertaining to IHRLI's work on the Commission project. All documents were reviewed initially to determine whether they should be filed by document number in a master file or solely in an administrative file (see explanation below).

36. The documentation system follows a two-step process which was the responsibility of the IHRLI documentarian. First, all original documents pertinent to the work of the Commission were stamped with a sequential document number and stored in the master file. Second, source information pertaining to each document was entered into a database. This information created a computerized index which enabled the Rapporteur to locate any document that was received, and permitted access to source information during the data entry process (described below) so that source information in the main database was consistent and accurate.

37. All documents in the master file were then reviewed by an attorney analyst to determine whether they were database relevant. Database relevant documents were photocopied for assignment to data-entry analysts. Data cover sheets were then attached to each of these documents. The cover sheets accompanied the documents through the entire data entry process, and contained space to record analyst names, database incident numbers based on the document, and quality control information.

A. The administrative file

38. Documents placed in the administrative file were organized by subject matter rather than by document number. As of 30 April 1994, the administrative file contained approximately 30,000 pages of documents. The administrative file contained four primary types of documents: 1.) all documents relating to the function of the IHRLI Commission project, such as correspondence, resumes and confidentiality agreements; 2.) background material relevant to the Commission project, such as academic articles, media clippings, UN resolutions, and information regarding NGOs or individuals who assisted the project; 3.) all reports and work product of IHRLI, which were filed in chronological order; 4.) subject-matter files, which were used to collect documents relating to topics such as military command structures or specific incidents. The documents in these subject-matter files were often duplicates of the originals in the master file, and therefore accessible either by document number or by subject matter.

B. The master file

39. The master file contained all substantive reports received by IHRLI relating to breaches of humanitarian law in the former Yugoslavia. As of 30 April 1994, the Rapporteur received 65,000 pages of documents which were filed in the master file. The master file was oganized by sequential

numbering. All incoming documents were stamped with a unique document number as they were received and filed in numerical order, regardless of subject matter or document date. All information entered in the documentarian database and incident database (described below) was cross-referenced to these document numbers. Therefore, an analyst working with information retrieved from the database could directly consult the source documents.

40. While most of the documents which were numbered and placed in the master file contained information relevant to the incident database, some general source documents were also catalogued in the master file so that they were readily accessible to IHRLI analysts.

41. Access to documents in the master file was strictly controlled by the documentarian. If any photocopying was done, the documentarian inventoried these documents and verified that they were all returned.

C. The submitter/source file

42. The entire master file was duplicated in the submitter/source file. Photocopies of all original documents were filed according to the submitting group or individual and cross-referenced according to the primary source of each report.

D. Security and data protection

43. The documentation centre and other offices of the Rapporteur and his staff were protected by an electronic security system monitored by DePaul University security personnel. On-site original and photocopied documents were kept in locked file cabinets. Additional copies of all documents were stored in a secure off-site facility. The data in the IHRLI database was backed up daily, and backup disks were stored off-site.

44. All IHRLI staff were required to sign a confidentiality agreement prohibiting the disclosure of any information from the IHRLI documentation to outside parties.

VII. DOCUMENTARIAN DATABASE

45. The documentarian database contains numerous fields to fulfill its function as an index of the master file. By dividing the information in each document into separate database fields, the documentarian can generate reports which sort the entire database by several categories. For example, the documentarian database can be sorted by document number, or alphabetically by source or submitter name.

A. Document short title

46. A short source name was assigned to each document, typically based on the topic or submitting group and the date of the document. In addition to being entered in the documentarian database, the document short title was attached to each document which was assigned for data-entry. When this short source name was entered into the database, each data entry analyst was provided with full and uniform source information.

B. Submitter category

47. Each document was categorized according to the type of submitter from which IHRLI received the document. Thus, the documentarian characterized each submitter as a government, IGO, NGO, private organization, or private individual.

C. Submitter Name

48. The submitter name referred to the specific government, NGO, individual, etc., that sent a particular report to the Commission. It may have differed from the organization which prepared the document. If a Helsinki Watch report, for example, was sent to the Commission by the US Government, the submitter recorded in the documentarian database was the US Government and not Helsinki Watch. However, cross-referencing permitted the identification of the primary and secondary sources, as described below.

D. Primary source

49. The primary source of a report was the source upon which the submitter relied in preparing the document or report it sent to the Commission or IHRLI. If an organization submitted a report that it prepared and the report was not based on any other source or publication, then the organization was both the submitter and primary source.

E. Secondary source

50. Secondary sources were any sources cited by the primary source which related to a particular incident. Secondary sources were usually entered by the data-entry analysts, rather than by the documentarian.

F. Citation

51. The citation field provided standard bibliographic information for each document, including titles, organizations, authors, page numbers, etc. Where appropriate, descriptive information about documents was provided as well, to assist analysts in referring to the documentarian database.

52. Known duplicates within the master file were cross-referenced by document number in the citation field. In this way, the documentarian tracked duplicate reports submitted by different governments, organizations, or individuals.

G. Document number

53. The document number range of each document was recorded in a separate field. All records in the documentarian database could thus be sorted sequentially, reflecting the order of the physical master file. A separate field was provided for the specific document number within the range of the entire document that corresponded to a specific incident. This field was used by the data-entry analysts.

H. Date

54. If known, the date of a document was recorded in this field. If the document contained several dates, the earliest was used.

I. Notes

55. Finally, a notes field was available for the documentarian to enter any information which appeared important but did not fit into any of the above categories. Sometimes the notes field was used to indicate questions or uncertainties which would be resolved later.

VIII. THE IHRLI DATABASE

56. The database provides a comprehensive record of alleged violations. 3/ The database, developed with Foxpro database software, operates on several levels and manages multiple categories and sub-categories of information. The database categories capture information pertaining to locations, victims, perpetrators, witnesses, sources, evidence, etc. Over 5,600 incidents were entered into the database as of 30 April 1994. Specialized topical databases were also developed to facilitate the work of IHRLI attorney-analysts on the following specific research projects: the battle and siege of Sarajevo, rape and sexual assault, mass graves, detention facilities, and the military structure and order of battle of the warring factions.

57. The database is capable of generating reports and searches based on categories of information. These reports can be statistical in nature (e.g., calculating the number of times a particular type of violation has occurred) or may contain significant amounts of information related to a particular category in the database. For example, a search may be generated to contain the names of victims, witnesses, and perpetrators associated with a particular location. The database can also be searched using context-sensitive queries. Search terms can include the name of a particular victim, witness, perpetrator, location, etc. As a result, when a search term is entered, the computer will search categories in each file and produce a list of every case number where that term appears.

58. Database entries (or "cases") typically concerned multiple events that may or may not have constituted several independent violations of international humanitarian law. Given time constraints, it would be practically impossible to segregate every possible violation and create a separate incident file. If a report contained roughly the same set of facts concerning victims, witnesses, perpetrators, and locations, it was consolidated into a single incident.

59. At the data-entry stage, reports were not distinguished on the basis of credibility or possible bias, and no reports were omitted from the database based on such criteria. The cumulative nature of the vast amount of information in the database allowed for subsequent credibility assessments, although verification is needed for prosecutorial purposes.

A. Database categories

60. The database is organized by multiple categories, including the date, location, and type of reported violation. The information in the database can be sorted and retrieved by any of these categories.

1. Date and time

61. The date and time of the incident were entered into separate fields of the database. If an incident involved multiple dates, the earliest date was used.

2. Summary description

62. A narrative description summarized each incident in the database. It provided the relevant locations, existence and location of evidence, types of violations alleged, and the names of victims, witnesses and perpetrators, etc. The summary description was intended to provide a comprehensive overview of the incident. It included information which was also categorized in the specific database fields described below.

3. Location information

63. The location category of the database provided numerous sub-categories to record all of the information relevant to the location of incidents. In addition to fields for the country, municipality, and city where an incident occurred, the data analyst can categorize the location as a private house, public building, police station, concentration camp, mass grave, etc. Within the location field, memo fields were also available to enter relevant addresses, landmarks or site descriptions.

64. The database contains a location list containing the specific map coordinates of all locations entered into the database. Analysts could use a preexisting location record or create a new location record.

4. Source information

65. As mentioned above, the source records from the documentarian database were used to build the source records in the main database. When an analyst entered the document short title into the source field, the source information was retrieved automatically from the documentarian database. The analyst then entered the specific document numbers pertaining to the incident and added incident-specific source information.

5. Property damage

66. The property damage field provided a memo field for a narrative description of reported property damage, including the location and owner of property, the manner and extent of damage, and the perpetrator. Fields were also available to enter the value of affected property, if known, and to indicate whether the incident involved damage to religious or cultural property.

6. Violations/victim counts

67. The violations/victim counts field of the database enabled analysts to indicate the particular type of violation and to enter numbers of victims, if known. All categories that pertained to a particular incident were selected by the analyst. The following violation categories are available in this field: mass killing, killed after torture, killed after rape, killed after imprisonment, killed after forced eviction, killed in flight, killed in

combat, killed - other, battery, torture, mutilation, wounded, rape, kidnapping/hostage taking, forced eviction, missing, imprisonment. If the violation contained in a particular report is not part of the available list, a memo field is available to describe the type of violation that occurred.

7. Victims/witnesses/perpetrators

68. All information regarding victims, witnesses and perpetrators was entered in a uniform format, with the same fields available for data entry in each category. In addition to the memo fields used to enter information regarding those involved in an incident, category fields are available to identify characteristics such as ethnicity, religion, and military status. The following types of information are entered into the victim/witnesses/perpetrators field: Name, Sex, Age, Date of Birth, Address, Ethnicity, Religion, Parents' Names, Occupation, Military Status, Physical Characteristics, Antemortem Data.

69. Many of these fields contain sub-categories to enable the entry of more detailed information. For instance, the military status field provides space to enter information pertaining to service, rank, commanding officer, insignia, etc.

8. Evidence

70. The evidence field provides space for a narrative description of the type and location of any supporting evidence of the incident, such as audio tapes, videotapes, affidavits, etc.

B. Data entry

71. Data entry proceeded on a small, independent computer network consisting of six computer workstations. Data was entered simultaneously from each workstation.

72. Assignments for database entry were distributed by a staff attorney who monitored the progress of each document through the data entry system. Information was entered into the database by analysts with a legal and/or human rights background. The information was entered into the appropriate categories of the database according to guidelines established by the legal staff. A narrative description of each report was also entered for each incident.

73. All documents assigned to data entry personnel were accompanied by a data cover sheet, on which the analysts recorded the database incident numbers associated with the document. This form accompanied the document throughout the data entry and quality control process and contained the following information: 1.) document numbers; 2.) document short title; 3.) name of the data entry person; 4.) date of assignment; 5.) incident numbers generated by the computer; 6.) dates of data entry; and 7.) results of the quality control process.

74. Data was entered into the database from December 1992 until April 1994. Four to five computers were utilized for data entry for an average of twelve hours per day, Monday through Friday. On Saturdays and Sundays, three to four computers were used approximately seven hours per day. The sixth computer was used by the documentarian to enter document source information. This data entry was a very labour-intensive and often tedious process, which required a

significant amount of training. Because IHRLI had to rely largely on graduate and post-graduate student volunteers who had limited time to commit to the project, there was frequent turnover in the data entry staff. This slowed the data entry procedure, as new volunteers were continuously recruited and trained.

C. Quality control

75. The quality control process was an on-going effort to ensure the completeness, accuracy, and uniformity of the database. Every time a new incident was opened, the computer incident number was entered on the data cover sheet. After completing data entry for a document, the data entry analyst printed and edited a hard copy of all of the incidents completed. These printouts were then given to a supervising attorney, along with the document and the data cover sheet. The attorney verified the completeness and accuracy of the work. Documents which satisfied this quality control check were returned to the documentarian. Documents which need additional work were returned to the analyst.

Notes

1/ Minnesota Advocates for Human Rights, an NGO based in Minneapolis, Minnesota, assisted IHRLI with the collection and analysis of media reports from LEXIS/NEXIS and other sources. IHRLI also had access to the FBIS database through the efforts of attorney Thomas S. Warrick of Washington, D.C.

2/ Linden Productions of Los Angeles, California, through its President and Chief Executive Officer, Pippa Scott, provided IHRLI and the Commission of Experts with volunteer services in creating a computerized videotape database archive, allowing all videotape footage to be stored in a digital format.

3/ The database software was developed for IHRLI by computer consultant Jack Endicott in consultation with the Rapporteur, his legal staff, and others experienced in the fields of computer science, information management and complex litigation.

FINAL REPORT OF THE UNITED NATIONS COMMISSION OF EXPERTS ESTABLISHED PURSUANT TO SECURITY COUNCIL RESOLUTION 780 (1992)

ANNEX I.B
LIST OF MISSIONS UNDERTAKEN BY THE COMMISSION

Prepared by:

Secretariat, Commission of Experts

LIST OF MISSIONS UNDERTAKEN BY THE COMMISSION

1.	Mission to Ovčara (Vukovar) (UNPA Sector East, Croatia) (preliminary mass grave investigation)	December 1992
2.	Reconnaissance mission to Vukovar (preparation for the mass grave investigation at Ovčara)	March 1993
3.	Mission to Zagreb (Croatia), Belgrade (FRY), Sarajevo (BiH), Ljubljana (Slovenia)(to establish contacts with authorities and to obtain information)	April 1993
4.	Mission to Knin (UNPA Sector South, Croatia)(preparation for the mass grave investigation at Pakračka Poljana, UNPA Sector West)	May 1993
5.	Reconnaissance mission to Dubrovnik (Croatia)(destruction of cultural property)	May 1993
6.	Mission to Sarajevo (BiH)(killings of civilian population and destruction of cultural property)	June/July 1993
7.	Mission to Zagreb (Croatia)(interviews with alleged war criminals)	August 1993
8.	Mission to London (UK)(to obtain information from Amnesty International)	August 1993
9.	Mission to Vienna (Austria)(to obtain information on order of battle/ chain of command and video tapes)	August 1993
10.	Mission to Sarajevo and Zenica (BiH) (killings of civilian population and destruction of cultural property)	September 1993

11.	Mission to Knin (UNPA Sector South, Croatia)(preparation for mass grave investigation)	September 1993
12.	Mission to Paris (France)(to establish contacts with UNESCO and obtain information on the destruction of cultural property)	September 1993
13.	Mission to Vukovar, UNPA Sector East, Croatia (mass grave investigation at Ovčara)	October 1993
14.	Mission to Marino Selo/ Pakračka Poljana, UNPA Sector West, Croatia (mass grave investigation)	October-November 1993
15.	Radiological investigation in Western Slavonia, UNPA Sector West, Croatia	November 1993
16.	Mission to Dubrovnik (Croatia) (destruction of cultural property and battle of Dubrovnik)	November 1993
17.	Mission to Erdut, UNPA Sector East, Croatia (preparation for mass grave investigation of Ovčara)	November 1993
18.	Mission to Stockholm (Sweden)(to obtain testimonies)	November 1993
19.	Mission to Berlin (Germany)(to prepare for gathering testimonies)	December 1993
20.	Mission to Bonn (Germany)(to prepare for gathering testimonies)	December 1993
21.	Mission to Paris (France)(to continue cooperation with UNESCO and to obtain further information on destruction of cultural property)	January 1994
22.	Mission to The Hague (The Netherlands) (to obtain testimonies)	January 1994

23.	Mission to Munich (Germany)(to obtain information for Prijedor investigation)	January 1994
24.	Mission to Oslo (Norway)(to obtain information for Prijedor investigation)	January 1994
25.	Mission to Zagreb (Croatia) (preparation for sexual assault investigation of victims from Croatia, refugees from BH and Serbs in Croatia)	February 1994
26.	Mission to Vienna (Austria)(to obtain information for order of battle study and for sexual assault investigation)	February 1994
27.	Mission to Zagreb (Croatia)(to obtain information for Prijedor investigation)	February 1994
28.	Mission to Zagreb (Croatia) and other places in Croatia (sexual assault investigation of victims from Croatia, refugees from BH and Serbs in Croatia)	February-March 1994
29.	Mission to Belgrade (FRY) (to discuss conduct of sexual assault investigation)	March 1994
30.	Mission to Bonn (Germany) (to obtain information for Prijedor investigation)	March 1994
31.	Mission to Berlin (Germany) (to obtain information for Prijedor investigation)	March 1994
32.	Mission to Sarajevo, Tuzla, Zenica, Vitez, Kiseljak (BiH) (to obtain information and gather testimonies)	March 1994
33.	Mission to Bergen (Norway) (to finalize Prijedor investigation)	April-May 1994

34.	Mission to The Hague (The Netherlands) (in connection with Prijedor investigation)	May 1994

FINAL REPORT OF THE UNITED NATIONS COMMISSION OF EXPERTS
ESTABLISHED PURSUANT TO
SECURITY COUNCIL RESOLUTION 780 (1992)

ANNEX I.C

LIST OF ORGANIZATIONS WHICH ASSISTED OR SUPPORTED THE WORK OF THE COMMISSION

Prepared by:

Secretariat, Commission of Experts

The following is a list of the non-governmental, private, charitable, and religious organizations from the territory of the former Yugoslavia and other countries which have assisted or collaborated with the Commission, or published material which the Commission consulted:

- Action international contre la faim (AICF)
- Adventist Development Relief Agency (ADRA)
- Algerian Medical Union
- American Croatian Information & Research Agency (ACIRS)
- American Refugee Committee (ARC)
- Amnesty International
- ARIADNA
- Association for Humanitarian Projects in The Netherlands
- Association of Citizens of Mostar & Friends of Mostar
- Association of Expelled Serbs from the Municipality of Metković in Belgrade
- Association of Preventive and Voluntary Work
- Association of Serbs from Croatia
- Bosnia Action Committee
- BiH Red Cross
- BEDEM LJUBAVI
- BiH Information Centre
- BISER
- Blessed are the Peace Makers
- Ludwig Boltzmann Institute of Human Rights
- Canadian Croatian Information Congress
- Canadian Voice of Women for Peace
- CARITAS
- CAUSE COMMUNE
- Centre for Antiwar Action
- Centre for Constitutional Rights
- Centre for Culture and Communication
- Centre for Peace, Nonviolence and Human Rights

- Centre for Reproductive Law and Policy
- Centre for Victims of Torture
- Centre for Women - War Victims
- Centre for Croat Unions
- Christlicher Friedensdienst
- Citizens Forum and International Peace Centre
- Citizens of Janja
- Committee for Human Rights
- Consorzio Italiano di Solidarietà
- Council for Human Rights
- Crisis Centre Movement in Norway
- Croatian Medical Association
- Croatian Society for Protection of Rights of Children, Families, Foster and Adopted Families
- Croatian Society of Psychiatrists
- Croatian Information Office (Split)
- Croatian Information Centre
- Croatian Helsinki Committee
- Croatian Red Cross
- Cultural Centre of Bosnia and Herzegovina
- Dalmatinski Odbor Solidarnosti
- Danish Helsinki Committee
- Deutsch Humanitare Hilfe (DHH)
- Dutch Section of the Helsinki Citizens' Assembly
- Ecumenical Women's Team
- Equality Now
- European Peace Movement
- Evangelische Frauenarbeit
- For the Dignity of Women and Children
- Fundamental Freedoms
- German Caritas

- Handicap International
- HELALA AHMAR
- Help the Children in Croatia
- Human Rights Watch - Helsinki Watch
- Humanitaire Action Passerelle vers l'Espoir
- Humanitarian Law Fund
- Hrvatski Caritas
- INFOTEKA
- Initiative Gegen den Krieg in Kroatien und BiH
- Institute for the Protection and Usage of Cultural-Historical and Natural Heritage, Sarajevo
- Institute for War and Peace Reporting
- Integration Groups of Women from the former Yugoslavia and Austria
- International Council of Voluntary Agencies (ICVA)
- International Confederation of Free Trade Unions (ICFTU)
- International League for Human Rights
- International Mennonite Organization
- International Medical Group
- International Rescue Committee
- International Human Rights Law Group
- International Society for Human Rights, British Section
- Internationale Gesellschaft fur Menschenrechte e.v.
- Islamic Relief Agency (IGASE)
- Italian Cooperation in Solidarity (ICS)
- Italian Cooperation
- KARETA
- Kuwait General Committee
- Lazarus Hilfswerk
- Lexicographic Institute
- Ljiljan BiH

- Marie Stopes International
- Médecins sans frontières
- Medical Centre for Human Rights
- Meliha Ćilinković
- MERHAMET
- Minnesota Advocates for Human Rights
- Moji Bližnji
- Mothers for Peace
- Museum Documentation Centre
- NEMANJA (Women's Group)
- NONA (Mostar Women's Group)
- Nordrein Westfahlen
- Norwegian Institute for Human Rights
- Norwegian People's Aid
- NOW Legal Defense and Education Fund
- Open Door
- Operation Second Choice
- Peace Movement Europe
- Peace Movement Rijeka (Pokret za mir Rijeka)
- Pharmaciens sans frontières (PSF)
- Physicians for Human Rights
- Progetto Sviluppo Ogil
- Red Crescent Society
- Red Barnet
- Refugee Council/Commission for Refugee Status
- Reporters sans frontières
- Rijasat of Islamic Conference
- Rominke Krisesenter
- Save the Children Federation
- Scottish European Aid

- Serbian-American Affairs Office
- Serbian-American Media Centre
- Serbian Bar Association (Chicago)
- Serbian Council Information Center
- Serbs of Foča
- Sisterhood is Global Institute
- Slovenian Red Cross
- Slovenian Council of Human Rights and Fundamental Freedoms
- Society of Croatian Women Intellectuals (HDI)
- Society for Threatened Peoples
- Solidarites
- SOS Balkanes
- Sûd Ost Europa Kultur e.v.
- SUNCOKRET
- Swiss Coordination of Women for the former Yugoslavia
- The Coordination of Women's Advocacy Groups for Liaison with the International War Crimes Tribunal
- Union Médical Algérienne (U.M.A.)
- Union for Peace and Humanitarian Aid to Bosnia and Herzegovina
- United Methodist Committee of Relief
- United States Committee for Refugees
- Vukovarske Majke
- War Victims: Raped Women
- Well-Being
- Women and Children First
- Women in Black against War
- Women of BiH
- Women's Commission of the International P.E.N.
- Women's Commission for Refugee Women and Children
- Women's Group "Trešnjevka"

- Women War Victims
- World Campaign "Save Humanity"
- World Humanity Fund
- World Council of Churches
- Yugoslavian Red Cross
- Zenica Centre for Investigation of War Crimes and Crimes of Genocide on Muslims

FINAL REPORT OF THE UNITED NATIONS COMMISSION OF EXPERTS ESTABLISHED PURSUANT TO SECURITY COUNCIL RESOLUTION 780 (1992)

ANNEX II

RAPE AND SEXUAL ASSAULT: A LEGAL STUDY

Under the Direction of:

Christine P.M. Cleiren
Member of the Commission of Experts
Established Pursuant to Security Council
Resolution 780 (1992)

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I. INTRODUCTION 1/

1. The Statute of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia Since 1991 (ICTFY) grants jurisdiction to the International Tribunal on four grounds: "grave breaches" of the Geneva Conventions of 1949 (article 2), violations of the law and customs of war (article 3), "crimes against humanity" (article 4) and genocide (article 5). In the Statute, "rape" is listed as a crime against humanity.

2. Unlike the majority of codified penal law, "rape" is not precisely defined in international humanitarian law. As a consequence, there is, at present, every reason to interpret this concept broadly as encompassing other sexual assaults. In his commentary on article 5 of the Statute, the Secretary-General also seems to consider rape and other sexual assaults to be connected, as he states in relevant part: ". . . rape and other forms of sexual assault, including enforced prostitution". 2/ Rape is considered in this report to be a crime of violence of a sexual nature. This also applies to other sexual assaults, such as enforced prostitution and painful circumcision. Today these crimes are considered by medical doctors, psychiatrists, and psychologists to be very serious violent crimes of a sexual nature having a wide range of severe effects on the victim and her domestic environment. 3/ This study will therefore also encompass other sexual assaults. In the majority of the cases reported, women were the victims of the alleged rapes and other sexual assaults. However, men 4/ and children, 5/ when victims of rape or other sexual assaults, are also to be protected by international humanitarian law.

3. This paper considers the criteria for applying certain international humanitarian law instruments in this context. It deals, on the one hand, with the possibilities, and on the other, with the limitations of the law as applied to these specific crimes. The terminology used is "possibilities for application" and "conditions/limitations", respectively.

A. Universal jurisdiction and the "nulla poena . . ." principle

4. At present, international humanitarian law is in a process of development. As a result, it is flexible. However, the following discussion is restricted to an arrangement and study of generally accepted customary international law (nullum crimen sine lege).

5. Rape and other sexual assaults are prohibited in the penal law of all civilized nations. This applies in any case to the former Yugoslavia, which was a party to the conventions which are discussed here. 6/ Perpetrators of these crimes must have been aware of the fact that they committed an international crime for which they could be prosecuted. Moreover, the applicable law for the most part provides for universal jurisdiction. According to article 146 of the Fourth Geneva Convention, the "grave breaches" listed in article 147 and mentioned in article 85 of Additional Protocol I, constitute universal jurisdiction. If the 1948 Convention on the Prevention and Punishment of the Crime of Genocide is considered applicable, universal jurisdiction is provided for in article VI. "Crimes against humanity" constitute universal jurisdiction on the grounds of the Nuremburg Charter and Judgment, which is reaffirmed in, e.g., the Draft Code of Crimes against the Peace and Security of Mankind. If articles of the Fourth Geneva Convention, not constituting "grave breaches", and Additional Protocols II are accepted as customary international law, they might also provide for universal jurisdiction. 7/ As will be shown below, the crimes of rape and other sexual assaults are of such a nature that governments are obliged 8/ to

prevent the commission of international crimes and prosecute the perpetrators. When this is not done, the international community has a right to interfere with the sovereignty of a state and take responsibility for prosecution. This is another factor in favour of the exercise of jurisdiction by the ICTFY, apart from the fact that this is bestowed upon the ICTFY by its Statute, in pursuance of paragraph 2 of Security Council resolution 808 (1993).

B. Some observations on criminal responsibility

6. As rape is a very personal crime, it is hardly possible to commit rape by mere instigation or omission. However, persons other than the physical perpetrators have personal criminal responsibility, as stated in article 7, paragraph 1, of the Statute. In the case of the other sexual assaults, persons other than the actual perpetrators can be said to have committed these assaults, but their responsibility should be determined first with reference to the other possibilities provided for in the above-mentioned article. 9/

7. With regard to the "responsibility of omission", the Statute states, in article 7, paragraph 3:

> "The fact that any of the acts referred to in articles 2 to 5 of the present Statute was committed by a subordinate does not relieve his superior of criminal responsibility if he knew or had reason to know that the subordinate was about to commit such acts or had done so and the superior failed to take the necessary measures to prevent such acts or to punish the perpetrators thereof."

In general, the principle of criminal responsibility for failing to act cannot be denied when a person in authority (a) knew or should have known that the crimes were regularly being committed; (b) had the power to interfere with the criminal practices; and (c) had special responsibility for the field in question. 10/

8. However, due to the chaos in the former Yugoslavia including many activities carried out by paramilitaries, it might be difficult to expose lines of command. In consequence, the responsibility of the Governments for the prevention and punishment of crimes will play a crucial part in the proceedings before the ICTFY. 11/

9. By applying this criterion of responsibility, the authorities can be held responsible for the climate which made it possible for these crimes to be committed. 12/ With regard to the war crimes constituting "grave breaches", this responsibility is elaborated in article 146 of the Fourth Geneva Convention 13/ and in article 86 (headed "Failure to act"), paragraph 1, of Additional Protocol I 14/ by making it an "active duty" on the government not only with regard to "grave breaches", but also to "all other acts contrary to the provisions of this Convention" 15/ and "all other breaches of the Conventions or of this Protocol", 16/ respectively. The Convention on the Prevention and Punishment of the Crime of Genocide 17/ provides for an active obligation on the part of the State parties. 18/ With regard to "crimes against humanity", an active obligation on the part of the Government is provided for in the draft code of crimes against the peace and security of mankind. 19/

C. The interpretation of what constitutes rape and other sexual assaults

10. Under international humanitarian law, rape and other sexual assaults are in most cases either expressly prohibited as such or can be categorized as

"torture or . . . other form of inhuman or degrading treatment", "wilfully causing great suffering" or other terms of such a nature. 20/

11. That rape and other sexual assaults may be considered to constitute these crimes can be deduced, inter alia, from the Convention against Torture and Other Cruel, Inhumane or Degrading Treatment or Punishment, which defines "torture" in article 1 as "any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as . . . punishing him for an act that he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind . . . ." 21/

12. According to Amnesty International, rape and sexual abuse are forms of torture or cruel, inhuman or degrading treatment. 22/ An International Committee of the Red Cross (ICRC) aide-mémoire of 3 December 1992 stated that "wilfully causing great suffering or serious injury to body or health obviously covers rape." 23/

D. The present discussion

13. The ways in which the Statute provides scope for the prosecution of persons involved in the crime of rape or other sexual assaults will be considered below. For the purpose of this discussion, the victims are assumed to be civilians, i.e., persons protected by the Geneva Convention related to the Protection of Civilian Persons in Time of War and the corresponding sections of the Additional Protocols. 24/ The applicable law will be dealt with as per the Statute. For an evaluation of the scope, reference is made to the conclusion.

II. RAPE AND OTHER SEXUAL ASSAULTS CONSIDERED "GRAVE BREACHES" OF THE GENEVA CONVENTIONS OF 1949

14. In the case of rape and other sexual assaults, the Fourth Geneva Convention is applicable.

15. Rape and other sexual assaults constitute "grave breaches" as they can be considered to be a form of torture or inhuman treatment and wilfully causing great suffering or serious injury to body and health; 25/ these crimes, listed in article 147, constitute "grave breaches". Support for this argument can also be found in the fact that "inhuman treatment" is treatment contrary to article 27, which, inter alia, expressly prohibits rape and other sexual assaults. 26/ Also, the enumeration of the "grave breaches" should be considered exhaustive in form only, not in substance. The commentary to article 146, paragraph 3, states in relevant part: "article 147 defines grave breaches of this convention. However, under the terms of this paragraph, the contracting parties must also suppress all other acts contrary to the provisions of this convention . . . Other grave breaches of the same character as those listed in article 147 can be easily imagined. This was well understood when the Yugoslav Penal Code (article 125) was adopted, since the crime of forced prostitution was added to the list . . . ." 27/ The fact that at the Tokyo Trials rape was considered a violation of "the laws and customs of war" constitutes a very important argument. Although the Geneva Conventions were not yet existent, the charge indicates that rape is seen as a crime as serious as torture and killing. Today, such a crime would be considered a "grave breach". 28/

16. The possibilities of application are that a single act is sufficient to constitute a war crime 29/ and that it need not be policy instigated or

tolerated by the State, or politically, ethnically, racially, or religiously motivated.

17. However, it must be clear that the perpetrators are linked to one side of the armed conflict, acting against neutral citizens or citizens of a belligerent party. From war trials, such as the Essen Lynch Case, we can deduce that these links are so obvious that this is easily taken for granted, unless both parties to the conflict are of the same nationality or from countries which are on the same side of the conflict. 30/ Article 85 of Additional Protocol I to the Geneva Conventions also defines "grave breaches" and will be discussed in Section III, below.

III. RAPE AND OTHER SEXUAL ASSAULTS CONSIDERED VIOLATIONS OF THE LAWS AND CUSTOMS OF WAR

18. Although article 3 of the Statute refers only to The Hague Convention of 1907 concerning the Laws and Customs of War on Land and the Regulations annexed thereto (Convention No. IV), the following principles and instruments of humanitarian law form part of international customary law as well. The Statute does not consider the Additional Protocols to the Four Geneva Conventions to be customary international law. However, they are treated as such here, because they fall within the jurisdiction of the ICTFY in so far as they constitute customary international law. This will be the case in the parts relevant to the topic of rape and other sexual assaults, as they constitute fundamental principles of international law. 31/ The condition/limitation of application will consist of proving that the relevant parts of these Protocols constitute customary international law.

19. The principle of customary law distinguishing between civilians and combatants and limiting attacks of military necessity, 32/ was violated during the war in the former Yugoslavia.

20. The applicable law can be found in several treaties. In the Trial of Admiral Toyoda, rape was considered a violation of the laws and customs of war. Although at the time the Four Geneva Conventions of 1949 had not come into existence, the charge suggests that rape is regarded a crime as severe as torture and killing and would thus nowadays constitute a grave breach. However, if this argument will not be accepted, the conclusion ought to be that rape constitutes one of the other war crimes, constituting customary international law and creating universal jurisdiction. 33/

21. Rules applicable to armed conflicts of both an international and a non-international 34/ character can be found in article 3 common to the four Geneva Conventions, 35/ which provides a list of fundamental rules. Although this article states that it applies to a non-international armed conflict, these fundamental rules are also applicable in case of an international armed conflict. The International Court of Justice ruled, in the case Nicaragua v. United States of America, that these principles constitute "'elementary considerations of humanity' and cannot be breached in an armed conflict, regardless of whether it is international or national in character". 36/ Relevant here is paragraph 1, which prohibits, *inter alia*, "violence to life and person, in particular murder of all kinds, mutilation, cruel treatment and torture" and "outrages upon personal dignity, in particular humiliating and degrading treatment". 37/ Applicable rules can also be found in paragraph 1 of article 76 of Additional Protocol I to the Geneva Conventions, which expressly prohibits "rape, forced prostitution and any other form of indecent assault". This rule "applies both to women affected by armed conflict, and to others". 38/

22. Rules applicable in international armed conflict, are codified in the Fourth Geneva Convention. This can be derived, for instance, from the Nicaragua v. United States of America Case (Judgment of the International Court of Justice, 27 June 1980), wherein the Court rules that "the obligation to respect and ensure respect for the Geneva Conventions 'does not only derive from the Conventions themselves, but from the general principles of humanitarian law to which the Conventions merely give specific expression'". 39/ Another argument for the applicability of the Geneva Conventions of 1949 can be concluded from the fact that the Socialist Federal Republic of Yugoslaia (SFRY) felt itself bound by the Geneva Conventions. The Republics following SFRY are probably bound by the general treaty obligations undertaken by SFRY. In any case, "in most part . . . the Fourth Geneva Convention concerns customary law, and, in many respects, even peremptory norms that cannot be excluded by agreements". 40/ Rape, enforced prostitution and any form of indecent assault are expressly prohibited in article 27, which is considered the core of the protection offered in the Fourth Geneva Convention, and can in particular be considered to codify customary international law. This can be concluded from the Commentary to the article which states in relevant part: "The Statement of these principles in an international convention gives them the character of legal obligations and marks an essential stage in the history of international law, in particular international humanitarian law . . . it codifies notions which date back to ancient times . . . ." The 1907 Hague Convention (IV) respecting the Laws and Customs of War on Land provides protection for family honour and rights in article 46. This article will not have to be considered as article 27 of the Fourth Geneva Convention now offers a more specialized protection. The general rule provides that "specialis" has preference over "generalis". (However, if article 27 cannot be accepted as constituting customary international law creating universal jurisdiction, the Hague Convention will have to be invoked and then the criteria for war crimes will apply). 41/ Article 85, paragraph 4, of Additional Protocol I to the Geneva Conventions states, *inter alia*, that "inhuman and degrading practices involving outrages upon personal dignity, based on racial discrimination" constitute a "grave breach" when "committed wilfully and in violation of the Conventions and of this Protocol". 42/

23. Conditions/limitations with regard to Protocol I are that it has to be proven that the crimes were based on racial discrimination and that they were "committed wilfully and in violation of the Conventions and of this Protocol".

24. Rules applicable in a non-international armed conflict can be found in Additional Protocol II to the Geneva Conventions, where prohibition of rape, enforced prostitution and other sexual assaults is found in paragraph 2 of article 4, headed "*Fundamental guarantees*".

25. A condition/limitation of prosecution, based on the article mentioned in paragraph 24, might be that this Protocol can only be evoked when the armed conflict takes

> "place in the territory of a High Contracting Party between its armed forces and dissident forces or other organized groups which, under responsible command, exercise such control over a part of its territory as to enable them to carry out sustained and concerted military operations and to implement this Protocol." 43/

26. Rules applicable when the area is considered to be occupied territory are stated in article 47 of the Fourth Geneva Convention, which prohibits protected persons in occupied territory in any case or in any matter whatsoever from being deprived of the benefits of the Convention. 44/

27. For a further discussion on possibilities of application and conditions/limitations with regard to the application of this type of law, except for the special items already dealt with in this section, see Section II. 45/

IV. RAPE AND OTHER SEXUAL ASSAULTS CONSIDERED "CRIMES AGAINST HUMANITY"

28. In article 5 of the Statute "crimes against humanity" are described as "the following crimes when committed in armed conflict, whether international or national in character, and directed against any civilian population . . . (g) rape".

29. There are several reasons why rape and other sexual assaults can constitute a "crime against humanity". Rape is listed among the "crimes against humanity" in article 5 of the Statute. 46/ The possibility that rape and other sexual assaults already constituted "crimes against humanity" under the Charter of the International Military Tribunal of 1945. Rape and other sexual assaults are not explicitly mentioned in the Nuremburg Charter under article 6, paragraph C, which defines the "crimes against humanity". However, rape and other sexual assaults are considered to come within the scope of this paragraph, as this was compassed in the words ". . . and other inhumane acts". "The wide scope of this term indicates that the enumeration . . . is exhaustive in form only, not in substance". Apart from this, Law No. 10 of the Control Council for Germany defined rape as a "crime against humanity". Although it can be discussed whether this Law constitutes customary international law, it does make clear that the Four Powers considered rape a "crime against humanity". 47/ The scope of this term has only been widened since the Second World War cannot be excluded. 48/ Apart from this, "crimes against humanity" are to be considered violations of fundamental human rights, 49/ in this case: the prohibition of "torture or other cruel, inhuman or degrading treatment" 50/ and the prohibition of "enslavement". 51/

30. The possibilities of application are that "crimes against humanity" are applicable in times of peace as well as in times of armed conflict, whether national or international, 52/ and that they can be committed by anybody. 53/

31. Conditions/limitations might occur insofar as it is necessary to prove that the alleged rapes and other sexual assaults are "directed against any civilian population", i.e., "single or isolated acts" fall outside the scope 54/ because it has to be proven that these crimes have been committed as part of a widespread or systematic attack against the population.

32. "Widespread" refers to the large scale on which the crimes are committed 55/ or to a pattern of abuse. 56/ This pattern might be apparent from the cases reported which show that the rapes are often perpetrated in the same manner, e.g., it starts when an area is conquered, the women are taken away and detained, or raped in front of the family. "Systematic" refers to a pattern of abuses of which rape is an element; here rape is used as one of the tools of war, which is possible due to the severe (mental) effects on the victim and her environment. Reports tend to show a pattern of abuse, e.g., it starts when an area is conquered and occurs concurrently with torture and murder. It occurs predominantly around the camps, after which the population flees before the area is occupied.

33. It also has to be proven that the crimes are based 57/ on national, political, ethnic, racial or religious grounds and that the state is involved.

This can be concluded from state tolerance. 58/

V. RAPE AND OTHER SEXUAL ASSAULTS CONSIDERED TO BE GENOCIDE

34. Article 4 of the Statute refers to the 1948 Convention on the Prevention and Punishment of the Crime of Genocide, which defines genocide in article II as:

> "any of the following acts committed with the intent to destroy, in whole or in part, a national, ethnic, racial or religious group, as such . . . (b) causing serious bodily or mental harm to members of the group; 59/ (c) deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part; 60/ (d) imposing measures intended to prevent births within the group". 61/

35. The possibilities of application are that genocide is a crime under international law, in times of peace and in times of armed conflict, whether this is deemed international or non-international, 62/ and that only one of the acts enumerated in article II of the Convention has to be proven. The fact that there is no need to demonstrate that the perpetrator was acting on behalf of the state is also very important. 63/

36. A condition/limitation of this Convention will be the requirement of proving that the acts described above were "committed with the intent 64/ to destroy, in whole or in part, a national, ethnic, racial or religious group".

VI. CONCLUSION

A. Applicable whether the conflict is deemed international or non-international

37. Violations of the laws and customs of war: applicable rules can be found in article 3 common to the Four Geneva Conventions, which provides a list of fundamental rules, and article 76 of Additional Protocol I to the Four Geneva Conventions, which expressly prohibits rape and other sexual assaults.

38. A single act suffices to constitute a war crime; 65/ the conditions/limitations will be that it has to be proven that the perpetrators are linked to one side of the conflict, acting against neutral citizens or citizens of a belligerent State. With regard to Protocol I and, to a lesser extent, common article 3, it also has to be proven that these articles constitute customary international law giving rise to universal jurisdiction.

39. "crimes against humanity" can be committed by anybody and come with universal jurisdiction; the conditions/limitations arising are that it has to be proved that there is evidence of State involvement, at least in terms of tolerance, that the alleged facts form a part of a widespread 66/ or systematic 67/ attack against any civilian population, and that the crimes are based on national, political, ethnic or religious grounds.

40. Genocide: rape and other sexual assaults may come under the definition contained in the Convention on the Prevention and Punishment of the Crimes of Genocide, 68/ that it is not necessary to prove that the perpetrator was acting on behalf of the State and that genocide comes under universal jurisdiction. However, it is necessary to prove that the acts were committed with the intent to destroy, in whole or in part, a national, ethnic, racial or

religious group.

B. Applicable when the conflict is deemed international

41. "Grave breaches" of the Fourth Geneva Convention (enumerated in article 147), rape, and other sexual assaults constitute "torture or inhuman treatment" and/or "wilfully causing great suffering or serious injury to body or health".

42. Article 27 of the Fourth Geneva Convention explicitly prohibits rape.

43. "Grave breaches" of Additional Protocol I to the Four Geneva Conventions, article 85, paragraph 4, prohibits "inhuman and degrading practices involving outrages upon personal dignity, based on racial discrimination".

44. The possibilities of application are that a single act suffices to constitute a war crime and that the "grave breaches" come under universal jurisdiction. The conditions/limitations will be that it has to be proven that the perpetrators are linked to one side of the conflict, acting against neutral citizens or citizens of a belligerent state. With regard to Protocol I and, to a lesser extent, article 27, it also has to be proven that these articles constitute customary international law coming under universal jurisdiction and, also with regard to Protocol I, that the crimes were based on racial discrimination and were "committed wilfully and in violation of the Conventions and of this Protocol".

C. Applicable when the conflict is deemed non-international

45. A prohibition of rape, forced prostitution, and other sexual assaults is found in article 4, paragraph 2, of Additional Protocol II to the Four Geneva Conventions. A single act suffices to constitute a war crime, provided it is proved that the armed conflict takes

> "place in the territory of a High Contracting Party between its armed forces and dissident forces or other organized groups which, under responsible command, exercise such control over a part of its territory as to enable them to carry out sustained and concerted military operations and to implement this Protocol", 69/

and that it constitutes a breach of customary international law, coming under universal jurisdiction.

D. Applicable when no armed conflict takes place

46. Both "crimes against humanity" and genocide are applicable outside of armed conflict. 70/ In criminal law each case has to be considered on its own merits; for the prosecution of rape and other sexual assaults, this also means that in each case it has to be decided which of the above-mentioned fields of law is applicable, depending on the conditions and circumstances of the case and the facts that can be proven.

Notes

1/ Many thanks to Mr. R. van Elst, Erasmus University, Rotterdam.

2/ Report of the Secretary-General pursuant to paragraph 2 of Security Council resolution 808 (1993), U.N. Doc. S/25704, at 13 (3 May 1993).

3/ See, e.g., Burgess A. Wolbert & Lytle L. Holmstrom, Rape: Victims of Crisis (1975); Robert J. Brady, Rape Trauma Syndrome (in particular chapter 3); Shana Swiss & Joan E. Giller: "Rape as a Crime of War: A Medical Perspective", 270 JAMA 612 (1993); Anne E. Goldfeld et al., "The Physical and Psychological Sequelae of Torture: Symptomatology and Diagnosis", 259 JAMA 2725 (1988).

4/ Violent crimes of a homosexual nature are not explicitly mentioned in international humanitarian law. However, this is understandable as the topic of homosexuality, even today, is not discussed freely. That international humanitarian law, insofar as it provides protection against rape and other sexual assaults, is applicable to men as well is beyond any doubt as the international human right not to be discriminated against (in this case on the basis of sex) does not allow derogation.

5/ International law also provides for the protection of children, e.g. the 1990 United Nations Convention on the Rights of the Child and the World Declaration on the Survival, Protection and Development of Children and the Plan of Action for its implementation.

6/ The Federal Republic of Yugoslavia (FRY) was party to the 1948 Convention on the Prevention and Punishment of the Crime of Genocide. It was also a party to the Geneva Conventions of 1949. FRY was also party to the Additional Protocols to the Geneva Conventions. The former Republics of FRY are probably bound by the general treaty obligations undertaken by FRY itself.

7/ See Section V.

8/ In countries where the principle of expediency is a part of penal law, the State is obliged to prosecute when social obligations necessitate.

9/ Article III of the Convention on the Prevention and Punishment of the Crime of Genocide also provides for a wide range of punishable acts.

10/ The responsibility for omission, as applied at the trials after the Second World War (e.g., the Yamashita Case, the Hostage Case, the Pohl Trial, and the Einsatztruppen Trial), was, like the other principles of individual criminal responsibility, reaffirmed in, e.g., the General Assembly Resolution 95 (I) of 1946, the Convention on the Prevention and Punishment of the Crime of Genocide, the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity.

The Charters of Nuremburg and Tokyo recognized this responsibility for Governments and even heads of State. Bernard V.A. Röling, "Aspects of the Criminal Proceedings for Violations of the Laws of War", in The New Humanitarian Law of Armed Conflict 199-220 (A. Cassese ed., 1979); Frits Kalshoven, Constraints on the Waging of War 18-19 (International Committee of the Red Cross, 2nd ed. 1991).

Notes (continued)

11/ Even if a resistance movement or a guerilla organization cannot be considered an independent party to the armed conflict, the combatants of these groups can be bound by the provisions of the Fourth Geneva Conventions if their organization is related to a State. Third Geneva Convention, article 4, paragraph 2.

12/ Bernard V.A. Rôling, "Aspects of the Criminal Proceedings for Violations of the Laws of War", in The New Humanitarian Law of Armed Conflict 199, 204, 219 (A. Cassese ed., 1979). Rôling considers this climate to be mainly the "climate of opinion", responsible for mass-scale "system criminality", which he considers to be "criminality which has been officially promoted or tolerated, or which is an expression of the prevailing spiritual climate".

13/ See Section II.

14/ See Section III.

15/ "The obligation on the High Contracting Parties to search for persons accused to have committed grave breaches imposes an active duty on them. As soon as a Contracting Party realizes that there is on its territory a person who has committed such a breach, its duty is to ensure that the person concerned is arrested and prosecuted with all speed. The necessary police action should be taken spontaneously, therefore, not merely in pursuance of a request from another state". IV Geneva Convention relative to the Protection of Civilian persons in Time of War, Commentary, International Committee of the Red Cross 593-94 (J.S. Picet ed., 1958).

16/ This paragraph states: "The High Contracting Parties and the Parties to the conflict shall repress grave breaches, and take measures necessary to suppress all other breaches, of the Conventions or of this Protocol which result from a failure to act under a duty to do so".

17/ See Section V.

18/ Article I of the Convention declares in relevant part: "The Contracting Parties confirm that genocide . . . is a crime under international law which they undertake to prevent and to punish". Article V states: "The Contracting Parties undertake to enact, in accordance with their respective Constitutions, the necessary legislation to give effect to the provisions of the present Convention, and in particular, to provide effective penalties for persons guilty of genocide or of any of the other acts enumerated in article III". Article VI states: "Persons charged with genocide or any of the other acts enumerated in article III shall be tried by a competent tribunal of the State in the territory of which the act was committed, or by such international penal tribunal as may have jurisdiction with respect to those Contracting Parties which shall have accepted its jurisdiction".

19/ Article 22 of this draft Code states that "systematic or mass violations of human rights" are Crimes against the Peace and Security of Mankind. The article states in relevant part: "An individual who commits or orders the commission of any of the following violations of human rights . . . torture, establishing or maintaining over persons a status of slavery, servitude or forced labour . . . . in a systematic manner or on a mass scale . . . ." Article 5, headed "responsibility of states", states: "prosecution of

Notes (continued)

an individual for a Crime against the Peace and Security of Mankind does not relieve a state of any responsibility under international law for an act or omission attributable to it". Paragraph 1 of article 6 states: "A state in whose territory an individual alleged to have committed a Crime against the Peace and Security of Mankind is present shall either try or extradite him".

20/ Older documents refer to "family honour", "honour of women", etc. Seen in the context of that time, rape and other sexual assaults would surely violate such "honour".

21/ There is no doubt that rape and other sexual assaults inflict severe pain and suffering on the victim, which can be inflicted for several reasons. For example, in the majority of the cases reported, the alleged perpetrators were of a different ethnic origin from the victims, which points to discrimination.

22/ Amnesty International, Bosnia and Herzegovina, Rape and Sexual Abuses by Armed Forces (January 1993).

23/ As cited in Theodor Meron, "Rape as a Crime under International Humanitarian Law", 3 American Journal of International Law 424, 426 (1993).

24/ For a definition, see articles 4 and 13 of the Fourth Geneva Convention. If the victims of rape and other sexual assaults are considered to have prisoner of war status, reference can be made to the Geneva Convention relative to the Treatment of Prisoners of War, articles 13, 16, 45, 87, paragraph 3, 130 and common article 3, paragraph 1 and the relative articles of additional Protocol II.

25/ See the discussion on interpretation under Section I, paragraph 2.

26/ For the interpretation of "inhuman treatment" the commentary to article 147 refers to article 27, which, inter alia, expressly prohibits rape and other sexual assaults. It also states: "That leads to the conclusion that by 'inhuman treatment' the Convention does not mean only physical injury or injury to health". IV Geneva Convention relative to the Protection of Civilian persons in Time of War, Commentary, International Committee of the Red Cross, 598 (J.S. Pictet ed., 1958).

27/ IV Geneva Convention relative to the Protection of Civilian persons in Time of War, Commentary, International Committee of the Red Cross, 593-94 (J.S. Pictet ed., 1958).

28/ In the Trial of Admiral Toyoda, specification 1 of the charge states as follows: "wilfully and unlawfully disregarding and failing to discharge his duties by ordering, directing, inciting, causing, permitting, ratifying and failing to prevent Japanese naval personnel of units and organizations under his command, control and supervision from abusing, mistreating, torturing, raping, killing and committing other atrocities." W.H. Parks, "Command Responsibility for War Crimes", 1 Military Law Review 69, 69-70 (1993).

29/ Rhonda Copelon, "Surfacing Gender: Reconceptualizing Crimes against Women in Time of War", in Alexandra Stiglmayer, Mass Rape 4 (1994) (forthcoming).

Notes (continued)

30/ It can be argued that perpetrators are supposed to be "acting as organs of state". See E.A. Daes, New Types of War Crimes and Crimes against Humanity: Violations of International Humanitarian Law and Human Rights Law 55-78. However, "the Nuremburg jurisprudence makes clear" that the perpetrator "need not necessarily be a soldier". Theodor Meron, "Rape as a Crime under International Humanitarian Law", 3 American Journal of International Law 424, 426 (1993).

31/ The fact that SFRY ratified these Protocols is also important. N. Keijzer, "Internationale berechting van oorlogsmisdrijven, begaan in het voormalige Joegoslavië," 10 Militair Rechterlijk Tijdschrift 66, 66-68 (1993). Protection from rape and other sexual assaults as a topic under customary international law applicable in armed conflict can be deduced from the history of international law, e.g.: Lieber Code ("rape"), Oxford Manuel ("female honour"), The Declaration of Brussels ("honour and rights of the family"), and the above-mentioned 1907 Hague Convention.

32/ The Declaration of St. Petersburg of 1868 already states "that the only legitimate object which states should endeavour to accomplish during war is to weaken the military forces of the enemy. This rule . . . constitutes one of the foundations of international humanitarian law applicable in armed conflict". International Committee of the Red Cross, Draft Additional Protocols to the Geneva Conventions of 12 August 1949, Commentary 53 (1973). Since then, these principles have been reaffirmed in many legal instruments, e.g.: Resolution XXVIII, adopted at the XXnd International Conference of the Red Cross held in 1965 in Vienna, the GA Resolution 2444 (XXIII). Frits Kalshoven, Constraints on the Waging of War 22 (International Committee of the Red Cross, 2nd ed. 1991) and Additional Protocol I to the Four Geneva Conventions (article 48 and article 85, paragraph 3, sub A, declaring violation a "grave breach").

33/ See note 25.

34/ Rules for non-international armed conflicts are "not applicable to situations of internal disturbances and tensions, such as riots, isolate and sporadic acts of violence and other acts of similar nature, as not being armed conflict". Additional Protocol I, article 1, paragraph 2.

35/ Apart from the fact that this article constitutes customary international law, an extra argument for application can be found in the fact that Representatives of the Republic of Croatia, the SFRY and the Republic of Serbia entered into a Memorandum of Understanding on 27 November 1991, pursuant to common article 3 of the Geneva Conventions. Two agreements have also been concluded between representatives of the Republic of Bosnia-Herzegovina and representatives of the Serbian Democratic Party, The Party of Democratic Action, and the Croatian Democratic Community pursuant to common article 3 of the Geneva Conventions.

36/ Judgment of 27 June 1986, International Court of Justice Reports 1986, at 14. (as cited in: Report of the Secretary-General pursuant to paragraph 2 of Security Council resolution 808 (1993), U.N. Doc. S/25704, at 35 (3 May 1993).

37/ See Section I.C.

Notes (continued)

38/ C. Pilloud et al., Commentary on the Additional Protocols of 8 June 1977 to the Geneva Conventions of 12 August 1949 892 (Y. Sandoz et al. eds., 1987). As article 75 offers a general protection for persons not protected by any other provisions of the Four Geneva Conventions or Additional Protocol I, it is sometimes stated that this also applies to article 76.

39/ 25 International Legal Materials 1023 (1986).

40/ Theodor Meron, "The Case for War Crimes Trials in Yugoslavia", Foreign Affairs Summer 1993, at 122-35.

41/ IV Geneva Convention relative to the Protection of Civilian persons in Time of War, Commentary, International Committee of the Red Cross, 200 (J.S. Pictet ed., 1958).

42/ For the interpretation of these terms I refer to the discussion under Section I.C, above. Support for the argument that rape constitutes a "grave breach" under this protocol can also be found in a discussion among the drafters of the Protocol in 1976. Universal jurisdiction was "restricted to 'grave breaches' in order to enhance the probability of the observance of the law". In addition, it was felt that a precise standard was needed to avoid the risk that any soldier, without intending violation of the protocol, would run the risk of being charged with a war crime. Y. van Dongen, The Protection of the Civilian Population in Time of Armed Conflict 12 (1991). It might be concluded that the "spirit" of the crime is the criterion for determining whether a "grave breach" has occurred. For the argument that rape and other sexual assaults have all the characteristics of a "grave breach", see the discussion under Section I, Introduction, above. This protocol can be said to fall within the jurisdiction of the Tribunal, in so far as it constitutes customary international law; the "fundamental guarantees" stated in Chapter II, Article 4, ought to be regarded as such.

43/ Article 1, paragraph 1.

44/ Article 64 of the Fourth Geneva Convention provides that the laws of the occupied area shall remain in force and that the tribunals shall continue. A logical consequence seems to be that perpetrators of rape and other sexual assaults should be prosecuted, also in occupied territory. Articles 76, paragraph 4, and 126 contain specific rules on the treatment of female detainees in occupied territory.

45/ Violations of the "grave breaches" and violations of international customary law applicable in armed conflict both constitute war crimes.

46/ Reference can be made to the relevant part of the ruling of the International Military Tribunal in the Justice Case: "The Charter makes . . . a crime; and it is, therefore, not strictly necessary to consider whether and to what extent . . . was a crime before the execution of the London Agreement" (cited in Y. Khushalani, Dignity and Honour of Women as Basic and Fundamental Rights 25 (1982)).

47/ E. Schwelb, "Crimes against Humanity", 23 BYIL 178, 191 (1946). That "crimes against humanity" were interpreted broadly during the Nuremburg Trials can also be deduced from the opinion of F. de Menthon, the French prosecutor at Nuremburg who regarded "crimes against humanity" as "crimes

Notes (continued)

against the human status", which he defined in relevant part as "all those faculties, the exercising and developing of which rightly constitute the meaning of human life" (cited in S. Goldenberg, "Crimes against Humanity, A Study in the Making and Unmaking of International Criminal Law", U.W.O. Law Review 1, 14).

48/ At the International Conference on Human Rights in 1968 apartheid was condemned as a "crime against humanity". S. Goldenberg, "Crimes against Humanity, A Study in the Making and Unmaking of International Criminal Law", U.W.O. Law Review 1, 47.

49/ D.J. Harris, Cases and Materials on International Law 122 (3rd ed. 1983). For the United Nations, the protection of human rights seems to be the main point of interest with respect to armed conflicts. Frits Kalshoven, Constraints on the Waging of War 20 (International Committee of the Red Cross, 2nd ed. 1991).

50/ See Section I.C, above.

51/ In the Draft Code of Crimes against the Peace and Security of Mankind slavery and servitude, when committed in a systematic manner or on a mass scale, are considered systematic or mass violations of human rights, constituting Crimes against the Peace and Security of Mankind, (article 22). In 1949, the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others replaced for the contracting parties all foregoing conventions on Slavery. ECOSOC resolution 731 E, 1959, in: R.J. Taubenfeld & H.J. Taubenfeld, Sex-based Discrimination, Binder 2, at 16 (1979). In article 1 it is stated that the parties agree to punish: "any person who, to gratify the passions of another (1) procures, entices or leads away, for purposes of prostitution, another person, even with the consent of that person, (2) exploits the prostitution of another person, even with the consent of that person". It can be concluded that enforced prostitution constitutes enslavement, and that it is irrelevant whether the victim is male or female.

52/ Although article 5 of the Statute states that "crimes against humanity" must be committed in armed conflict, due to legal developments since the Charter of the IMT, it might be considered as "crimes against humanity" can also be committed in time of peace. M. Cherif Bassiouni, Crimes against Humanity in International Law 248 (1992). This has been formulated, e.g., in the Draft Code of Offenses against Peace and Security of Mankind (first version reported to the U.N. G.A. in 1954). Y. Khushalani, Dignity and Honour of Women as Basic and Fundamental Rights 32 (1982). C.F. Rüter, Enkele Aspecten van de Strafrechtelijke Reactie op Oorlogsmisdrijven en Misdrijven Tegen de Menselijkheid (1973).

53/ S. Goldenberg, "Crimes against Humanity, A Study in the Making and Unmaking of International Criminal Law", U.W.O. Law Review 1, 19.

54/ E. Schwelb, "Crimes against Humanity", 23 BYIL 178, 191 (1946).

55/ S. Goldenberg, "Crimes against Humanity, A Study in the Making and Unmaking of International Criminal Law", U.W.O. Law Review 1, 48.

Notes (continued)

56/ Rhonda Copelon, "Surfacing Gender: Reconceptualizing Crimes against Women in Time of War", in Alexandra Stiglmayer, Mass Rape 7 (1994) (forthcoming).

57/ Here there is no need to prove intent, as is the case with the crime of genocide. See Section V. As a consequence, it will be easier to meet this requirement.

58/ For the constitution of a "crime against humanity", it is necessary for the government, which is responsible for prevention and repression, to have instigated or, at least, tolerated the crimes. C.F. Rûter, Enkele Aspecten van de Strafrechtelijke Reactie op Oorlogsmisdrijven en Misdrijven tegen de Menselijkheid 37-38 (1973).

59/ See Section I.C.

60/ Not only does rape have a serious effect on the victim, bodily as well as mentally, it also has a serious effect on her family environment. Families are reported to have fled their communities for fear of rape. Probably rape and other sexual assaults have even more severe effects in Muslim communities as victims are allegedly regarded as dishonoured.

61/ This can be effected in several ways, e.g.: it is reported that women are raped in captivity by men of another ethnic group and only released when pregnancy was well advanced; at this point, it is not possible to bear children of the same ethnic origin as the women. The alleged mutilation of men's genitals prevents these men from procreating. In the above-mentioned examples, ethnic procreation will be achieved by the alleged perpetrators.

62/ Article I of the Convention states in relevant part: "The Contracting Parties confirm that genocide, whether committed in time of peace or in time of war, is a crime under international law . . . ."

63/ Theodore Meron, "The Case for War Crimes Trials in Yugoslavia", Foreign Affairs Summer 1993, at 130-131. Article IV of the Convention states: "Persons committing genocide or any of the other acts enumerated in article III shall be punished, whether they are constitutionally responsible rulers, public officials or private individuals".

64/ Jurisprudence and literature have not yet defined the proof (in substance and amount) necessary to satisfy this requirement.

65/ A possibility of application with respect to article 76 of Protocol I might be that it is sometimes stated that this article applies when the victims are not protected by other articles of the Four Geneva Conventions or Additional Protocol I.

66/ "Widespread" refers to a large scale or a pattern of abuse.

67/ "Systemtic" refers to rape being used as one of the tools of war in a pattern of abuses.

68/ Several of the acts, each constituting the crime of genocide, might be applicable here. See article 2 of the Genocide Convention.

Notes (continued)

69/ Article 1, paragraph 1.

70/ A discussion on the possibilities of application and the conditions/limitations can be found above.

FINAL REPORT OF THE UNITED NATIONS COMMISSION OF EXPERTS ESTABLISHED PURSUANT TO SECURITY COUNCIL RESOLUTION 780 (1992)

ANNEX III
THE MILITARY STRUCTURE, STRATEGY AND TACTICS OF THE WARRING FACTIONS

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I. INTRODUCTION

1. The following report describes the basic military characteristics and features of the "warring factions" in the former Yugoslavia. The focus of this report is on the structures, strategies, and tactics of the regular military forces engaged in the conflict. These regular forces are those of the Yugoslav Army (JA) and its predecessor, the Yugoslav Peoples Army (YPA), also referred to as the Yugoslav National Army (JNA); the Bosnian Serb Army (BSA); the Krajina Serb Army (SKA); the Croatian Army (HV); the Croatian Defence Council (HVO); and the Army of Bosnia-Herzegovina (BiH). Paramilitary and Special Forces units have performed an important role in this conflict, often coordinating their operations with those of conventional forces. These forces are discussed in detail in Annex III.A. Armed police and local volunteers have also been active participants in military activities.

2. With the exception of the JNA, the military forces involved in the conflict have been organized only recently. In large measure, they emerged from the former Yugoslav National Army (JNA) and local Territorial Defence Forces (TDF).

3. The strategies of the "warring factions" in the current conflict, with their decentralized structures and reliance on partisan tactics, have much in common with the tactics employed by Yugoslav forces during the Second World War. Thus, the following discussion begins with a review of military operations that emerged to resist the Axis powers.

4. The facts discussed below are linked to the periods to which they relate. Obviously, command structure, "order of battle", forces, equipment, and troop disposition change. Thus, this report is not intended to be a specific chronology of such events. Rather, it is intended to reflect a general situation that needs to be understood in order to assess the military context of the events that led to large scale violations. It is not therefore a complete survey of all aspects of the military situation. The description which follows is based on information obtained up to March 1993.

II. SUMMARY AND CONCLUSIONS

5. Unlike other conflicts, this one has peculiar characteristics which partake of conventional and unconventional war.

6. Political factors, both international and local, significantly affected the course of military operations.

7. Because the overall conflict evolved into three separate ones, the armies of some of the warring factions were newly constituted while the JNA was three times reconstituted. This situation produced complications and peculiarities with a direct bearing on the course of military activities, and the status of command and control.

8. The geographic spread of military industries, and the location of maintenance facilities, army depots and government supplies, also affected the course of military operations and the use of weapons because of the availability of munitions, spare parts and repair facilities.

9. Military operations in BiH and Croatia by the JNA, BSA, and SKA have essentially been a function of the political-military goal of securing territories that link Serbia proper with Serb-inhabited areas in BiH (along the Drina and Sava rivers) and Serb-inhabited areas in Croatia. The Serb goal was to achieve a territorial and defensible link between areas constituting a

"Greater Serbia". Thus, there has never been a unified or coherent battle line, but multiple theatres of operation between which forces shifted, depending on the status of each theatre. Strategic positions were related to each one of these theatres, but since these theatres were part of a political-geographical arc linking Serbia with Serb-inhabited areas in BiH and Croatia, the theatres of military confrontation were readily identifiable. As the conflict progressed, the Serb side sought to solidify and enlarge its territorial gains in the areas of the projected "Greater Serbia", while BiH and Croatian forces sought to dislodge them. These theatres saw a constant ebb and flow of military activities.

10. Because these areas were of mixed ethnic and religious population and Serbs were usually a minority, particularly in BiH, Serbs felt that they had to dislodge the other groups. In 1992, Bosnian Serb forces were insufficient in number and disorganized. However, they were tasked by their political leaders with massive population removal in a relatively short period of time without the open and direct participation of the JNA. The JNA, however, militarily supported the Bosnian Serb forces in many ways, including bombardment and shelling. They were also directly involved in several operations. This was in execution of the policy of "ethnic cleansing" which is described in Annex IV and more specifically in Annex V. The overriding political goal of depopulating these areas of non-Serbs determined the nature of the military activities. These areas were not military targets, but civilian areas with strategic importance derived from the fact that they linked Serbia with Serbs in BiH and Croatia. Personnel, arms and supplies crossed the Drina River from Serbia to Serbs in BiH and through Bosnian Serb areas to certain parts of the Krajinas, which are surrounded by Croats. Military operations in these areas must therefore be seen in this light in order to be understood.

11. Confrontation lines are therefore in and around cities and villages, and access roads to them. But they are not part of a continuous line. Consequently, there are seven areas in BiH controlled by the Bosnian government which are geographically unconnected. This also means that areas under Serb control are not contiguous. The same is true with respect to Bosnian and Croatian forces in Herzegovina and also in the Krajinas where the Serbs are in four unconnected sectors. This checkered military map meant the forces from different warring factions were interspersed. In many areas, the party in control is surrounded entirely by another party, or only partly by that party and partly by yet another party.

12. The result of this checkered and totally uneven field situation is that each one of these theatres of military confrontation had different characteristics. More particularly, they also had different dynamics and the relations between opposing groups varied significantly.

13. One way by which this is evident is in the level of the black market and trade that goes on in these areas between the warring factions or through their lines. Thus, for example, the Tuzla area, which has over one million inhabitants, including some 20,000 Serbs and 30,000 Croats, has suffered little bombardment from the Serb forces which surround it entirely. That city has a flourishing black market to which goods arrive from Serbia through Serbian lines. Another example is the Bihać pocket which, until summer 1994, was ruled by Fikret Abdić who broke with the Sarajevo government. He operated a private company that brought goods from Croatia (which borders Bihać on one side) into the pocket, and also traded with the Serb forces which encircled the pocket from three directions. This cozy relationship resulted in Abdić's signing in Belgrade in April 1993 a separate peace with the Bosnian Serb Republic. This situation changed when the Fifth Army Corps of BiH recaptured the area in August 1994. Since then, the area has been the scene of intense

fighting between BiH forces and the BSA, which also has support from the SKA in nearby Croatia. These are only illustrations of the peculiarities of this conflict.

14. The military structure, strategies and tactics of the "warring factions" are a consequence of the following factors:

(a) World War II antecedents, as well as experiences in that partisan war which led to the doctrine of Total National Defence (TND). TND includes the placing of weapon caches with local territorial defence units, decentralization of forces and command control, reliance on local forces, and other characterizations, which partake of a combination of guerilla and conventional warfare;

(b) Political factors leading to the different stages of the JNA; and,

(c) The gradual evolution of the conflict which took place between multiple parties, at different times, and in separate, though frequently related, theatres of operation.

15. The TND was part of Yugoslav political-military doctrine. Thus, TND and the type of Army and Party structures that existed in Communist Yugoslavia constitute a political-military context which has had significant impact on the goals, strategies and tactics employed by the JNA and the forces that emerged out of the JNA in Serb Bosnia and Krajina. This context and, in particular, the political factors that led to the conflicts in Slovenia, Croatia, and BiH, are crucial to an understanding of what occurred.

16. When the three Republics of Slovenia, Croatia, and BiH declared their independence, 1/ they did not have separate armies. Before 1991, the JNA was a single army for all members of the former Yugoslavia, though its military centrality changed since 1974. Upon the successive declarations of independence of these three republics, some of the military personnel, who had been located in each of these Republics, left the JNA and reconstituted themselves as part of the newly created national armies of Slovenia, Croatia, and BiH. 2/ In addition, each of the "warring factions" used paramilitary and special forces as described in Annex III.A. The armies of the "warring factions" consisted mainly of military personnel and equipment of the former JNA. But each of these Republics had local TDF 3/ which were part of the TND of Yugoslavia, and local police forces consisting of personnel from their respective Republics. These forces and armed civilians supplemented the armies of the "warring factions".

17. The role performed by the military in the breakup of the former Yugoslavia was critical to the evolution of this conflict, as stated by James Gow, a Research Fellow at the Centre for Defence Studies, King's College, University of London:

> "[t]he role played by the military in the breakup of the former Yugoslavia was central: it made the difference between widespread unrest and war. By September 1991 the military had decided to create a new Yugoslav state from parts of Croatia and Bosnia and Herzegovina, which would be "cleansed" of "unreliable" and potentially hostile inhabitants. At that stage, as the Belgrade military intensified its activity in Croatia, it also appears to have begun preparations for a war to divide Bosnia and Herzegovina. That war was launched in the period preceding international recognition of the Bosnian state, with a series of attacks at crucial points in the country. In the face of international pressure, the Yugoslav military divided, with half of its capability remaining in Bosnia as the Bosnian Serb army. This force

> proceeded to occupy and "cleanse" large parts of Bosnia and Herzegovina." 4/

18. Since the conflict began, however, there has been considerable continuity in the structure, strategy, and tactics of the military forces in the former Yugoslavia. The distinctive changes since 1993 are that the "warring factions" increased centralized command of their respective army structures; established control over paramilitary and special forces by integrating them into the army or disbanding them; and enhanced military professionalism. The result, as of middle-to-late 1993, is that more combatants are in uniform, who operate as part of regular army units, and under the command of superior officers. It is therefore important to distinguish between the situation that existed between approximately June 1991 and late 1993, and the ensuing period, bearing in mind that the process of transformation has been gradual.

19. The earlier part of the conflict was characterized by a multiplicity of combatant forces (for example, regular armies, militias, special forces, police and armed civilians) operating within different structures or outside any structure, sometimes operating under no established command and control. Some of these forces operated without uniforms, emblems or insignias. Frequently, these forces merged or combined in connection with certain operations. Probably the only factor common to all of these forces is their receipt of military equipment, ammunition and supplies from their respective armies and governments, and in the case of Bosnian and Krajina Serbs, their reliance on the JNA and the FRY.

20. The military structure and the strategies and tactics employed blur the chain of command and conceal responsibility. This concealment may well be intended by some of the parties to provide a shield of plausible deniability to the military and political leaders. But it could also have been the result of a chaotic situation which regular armies in the process of constituting or reconstituting themselves could not control until they had reached a sufficient level of organization. This occurred later in the conflict, but after most of the violations had occurred.

21. These factors, however, contributed to the manner in which the policy of "ethnic cleansing" was implemented, particularly by Serb forces, who were unrestrained by the JNA, from which they received support. 5/

22. The overall conflict in the former Yugoslavia evolved through three distinct phases. The military structure must be examined in the contexts of the three succeeding and sometimes overlapping conflicts which took place during these three phases, as described below.

23. The first phase involved the conflict in Slovenia. It began when that Republic declared its independence from the former Yugoslavia on 25 June 1991. That conflict involved the JNA, Slovenia's TDF, Slovenian troops who left the JNA to join the newly created Slovenian Army, and local Slovenian Police. This phase lasted for only 10 days in June and July 1991, and resulted in limited human and property harm. 6/

24. The second phase of the conflict involved Croatia. It started before that Republic officially declared its independence on 25 July 1991. On one side, that conflict involved the JNA, Serb militia in Krajina and in eastern and western Slavonia, special forces from Serbia (with the participation of Serb expatriates and some mercenaries), local special forces, and Serb police and armed civilians from the same areas. On the other side, the newly-formed Croatian Army consisted of Croatian troops who left the JNA, the Croatian National Guard (ZNG), local militia, special forces (with the participation of

expatriate Croats and some mercenaries), and local Croatian police and armed civilians. After November 1991, the JNA formally withdrew from Croatia, but continued to support the army of the newly-formed, self-proclaimed "Serb Republic of Krajina". Meanwhile, the newly-established Republic of Croatia had formed its army, the Croatian Army (HV), which, along with Croatian special forces and others, continued the armed conflict in what became the United Nations Protected Areas (UNPAs) in Croatia. 7/

25. The third phase of the conflict began in BiH, following its declaration of independence on 6 March 1992. It involved simultaneous fighting between Croatians and Bosnian government forces, Bosnian government forces and Serbian forces, and Croatian and Serbian forces. The Croatian Defence Council forces in BiH (HVO) were supported by the Croatian Army, local Croatian police, volunteer civilians and special forces like the HOS, the military wing of the Croatian party of Rights (named after the former Ustaše of the Second World War, who also fought against the Serbs in the Krajina area). The HOS was later partially incorporated into the HVO and disbanded. Other Croatian armed civilian forces operate essentially in local areas. At first, the Bosnian government and JNA opposed each other. This lasted from April to June 1992, during which time the JNA troops from Serbia and Montenegro "officially" withdrew from BiH, leaving behind Serbian JNA troops from BiH and their equipment. They were supplemented by special forces from Serbia which consisted of Serbs, expatriate volunteers and mercenaries, Bosnian Serb militia and police, and local Serb volunteers. 8/

26. As described above, in addition to the regular armies of JNA, Croatia and BiH, there are three additional armies: the Bosnian Serb Army (BSA), which operates in Bosnia; the Krajina Serb Army (SKA), which operates in Croatia; and the Croatian Defence Council (HVO), which operates outside the border of the Republic of Croatia, in BiH. The first two are armed and supported by the JNA (the Yugoslav Army or JA) and the third is armed and supported by the Croatian Army (HV).

27. In addition to these armies, the TDF were militarily active. In Croatia, TDFs were known as the Croatian National Guard (ZNG). The TDFs had a separate command structure from the regular army. Nevertheless, they joined in the armed conflict, frequently operating with their respective regular army and under regular army officers' command. They also operate independently in certain geographic areas, usually the areas from which most of the personnel in these units came.

28. Two other types of paramilitary groups and formations are also engaged in military operations. They consist of the so-called special forces, and local police forces augmented by local armed civilians. All of the warring factions make use of such forces among their combatants, but the lines of authority and the structure of command and control are confusing, even to the combatants. (See Annex III.A, Special Forces).

29. There are several reported paramilitary and special forces, (see Annex III.A), which usually operate under the command of a named individual and apparently with substantial autonomy, except when they are integrated into the regular army's plan of action. 9/ These forces are supplied and often trained by the governments that they serve. Many special forces answer only to senior political officials in the respective governments. Such relationships are frequently based on personal political allegiance and are not always publicly known. However, in time, information about the political sponsorship and support of these groups became more readily available though still nebulous. As these units usually operate independently and outside the apparent military chain of command, their order of battle is not known. Notwithstanding the strong links between these units and the respective

armies, the regular armies failed to restrain them from the commission of grave breaches of the Geneva Conventions and other violations of international humanitarian law. Among the most notorious of the special forces are Arkan's "Tigers" and Šešelj's "White Eagles" (also referred to as "Četniks"). Many of these units operate throughout the territory of the former Yugoslavia. Thus, the Serbian units operate in BiH and Croatia, and the Croatian units in BiH. These special forces have committed some of the worst violations of international humanitarian law. They are described in Annex IIIA.

30. Some towns and villages formed paramilitary units, which are not to be confused with the special forces mentioned above. These local forces operate in the areas of their towns and villages. Occasionally, they also lend support to similar groups and other combatants in the same opština (county) and neighbouring areas. Their command and control is local, and the chain of command difficult to establish, though these groups, like the special forces, typically have an identifiable leader. Frequently, the unit or group is called by the leader's name. Otherwise, the unit or group uses a politically significant name or the name of their town, village or area. The leadership of these groups is local, mostly consisting of political figures. These units, particularly among Serbs in BiH and Krajina and Croats in Krajina and BiH, have, like the special forces, committed grave breaches of the Geneva Conventions and other serious violations of international humanitarian law.

31. The police, augmented by volunteer armed civilians, also participate in military activities. These forces operate within a given municipality. They are nominally under the control of the Ministry of Interior. Furthermore, the respective Ministries of Interior also have national and regional police units, which usually operate outside the boundaries of local municipalities. The relationship between national, regional and local police is not always clear and varies in each country, and sometimes within the regions of each country. During the early stages of the conflicts in Croatia and in BiH, the police, augmented by volunteer armed civilians, operated without apparent command and control from the army. Their leadership was local and included many political figures. These forces acted with apparent autonomy in their respective areas, except when engaged in operations with their respective regular army.

32. During the early stages of the conflict, most of the combatants, including in many cases those in the regular army, did not wear distinctive uniforms, emblems or insignias of rank. As a result, officers freely moved from army to militia and from one unit to another. To further complicate matters, in the early stages of the conflict between Croatia and the FRY and other Serb forces within Croatia, and between BiH and the FRY and other forces within BiH (in May 1992, JNA forces from the FRY officially withdrew from Bosnia), the order of battle of many army and militia units was not clearly established. The chain of command was significantly blurred, even to insiders. Consequently, the organizations' command and control structures were seriously eroded, which resulted in much confusion. The confusion was more pronounced in BiH among Serb combatants until late 1992. It seems to have been purposely kept that way for essentially political reasons. This makes it difficult to ascertain units in a specific area and to establish command responsibility. The situation changed as the three regular armies managed or decided to control these combatants as of 1993. But that process was slow.

33. The outcome of such a structure and the strategies and tactics employed blur the chain of command and help conceal responsibility. This concealment may well be intended by some of the parties to provide a shield of plausible deniability. But, it could also be due to other factors existing at the early stages of the conflict, as stated by one expert:

> "[t]here is a great deal of genuine confusion in the West as who actually controls the Serbian forces in BiH. To make the situation even more complicated, the regime in Belgrade consistently tries to do its best to muddle the issue by denying its own responsibility for war in the neighbouring republic. For example, the President of the self-proclaimed FRY, Mr. Dobrica Cosic (who is also Supreme Commander of the Federal Army) falsely asserted on 15 July that the army does not provide any weapons and military equipment to the former 'territorial Defense Forces of the Serbian Republic of BiH, except for some limited humanitarian aid'. Moreover, it does not command and control these forces. But the reality is quite different. The operational chain of command in the federal army runs from the Supreme Defense Council (composed of the president of the FRY and presidents of the Republics of Serbia and Montenegro through the General Staff in Belgrade to the commanders of 1st MD (Belgrade), 4th MD (Podgorica), the Army of the Serbian Republic of BiH, Naval District (Kumbor, Bay of Cattaro), Air Force and Air Defense units." 10/

34. Special forces are apparently accountable only to senior political officials of the governments which they serve. Little is known about their order of battle except that restraint of these units by the regular army is conspicuously absent. Command and control, in effect, have been established through a policy of omission. The JNA, in particular, has at least tacitly permitted paramilitary units and special forces to engage in conduct that has resulted in grave breaches of the Geneva Conventions and other violations of international humanitarian law. In many instances, the JNA was on the scene and militarily supported these activities and these violations. A purposeful failure to act was therefore evident in many cases.

35. As stated earlier, paramilitary units and special forces have performed an important role in the conflict. In the early stages of the war in BiH, for example, paramilitary units coordinated their operations with the JNA. This was apparent in the attacks on Prijedor, Bijeljina, and Zvornik, as well as in other attacks in cities and villages along the Drina and Sava Rivers. The role that paramilitary and special forces have played in the conflict is explored in greater detail in Annex III.A.

36. A large number of Serbian and Croatian expatriates have joined in the fighting, mostly with paramilitary and special forces. There are also a smaller number of non-nationals, volunteers, and a few that could be called mercenaries also joining in the fighting. In contrast, a much smaller number of expatriates and non-nationals joined on the BiH side. (See Annex III.A, Special Forces)

37. All of the combatant forces, in significantly different degrees, have committed grave breaches of the Geneva Conventions and other violations of international humanitarian law for which military and, in some cases, civilian commanders are responsible under the principle of command responsibility. The largest number of these violations were clearly perpetrated by Serb combatants, and the largest number of victims have been from BiH.

38. The absence of command and control and the conditions created, particularly on the Serb side, were conducive to large scale and repeated violations. Persons who engaged in this conduct were encouraged by propagandistic rhetoric and comforted by the belief that they would have impunity. The absence of preventive action by military commanders and other purposeful omissions, such as the failure to punish known perpetrators, constitutes a clear basis for command responsibility.

39. The history of war clearly reveals that professional armies that are

under effective command and control commit fewer violations than fighting units that are not properly trained in the law of armed conflict and are not under the effective command and control of superior officers. But when military commanders order violations, permit them to happen, fail to take measures to prevent them, and fail to discipline, prosecute and punish violators, then the worst can be expected. Unfortunately, in this conflict, the worst did occur. This is a sad commentary on those who committed these crimes, but it is an even sadder one concerning the military and political leaders who ordered these acts or made them possible. War is sufficiently inhuman without having it carried out in the most inhuman ways. Tragically, in this case, these inhuman ways were designed to serve a political purpose. See the Policy of Ethnic Cleansing Annex IV.

40. The grave breaches of the Geneva Conventions and other violations of international humanitarian law occurring in this conflict are, in part, the product of the military structure that resulted in a lack of effective command and control. The violations are also the result of the strategies and tactics employed by the "warring factions", and the failure of military commanders to prevent and repress these violations.

41. The parties to this conflict are bound by the four Geneva Conventions of 12 August 1949 and Additional Protocols I and II, both under State succession and by the parties' specific accession thereto. 11/ The parties are also bound by the Genocide Convention under State succession, in so far as that convention has been ratified by the former FRY. The parties are also bound by that Convention under jus cogens and customary international law. The parties are also bound under jus cogens and customary international law by the obligations arising under "crimes against humanity", as developed in conventional and customary international law. 12/

42. The Federal Criminal Code of the former Yugoslavia embodied the international rules of armed conflict. JNA military personnel were instructed accordingly. Thus, grave breaches of the Geneva Conventions and other violations of international humanitarian law are also part of the applicable national laws of all warring factions.

43. Furthermore, the ordinary criminal laws which existed in the criminal codes of all the former Republics of Yugoslavia also prohibited those acts (which are grave breaches of the Geneva Convention and other violations of international humanitarian law) as common crimes.

44. Lastly, the defence of "obedience to superior orders", finds no application in the cases of violations which occurred in this conflict.

45. The doctrine of "Command Responsibility" and the defence of "obedience of superior orders" are discussed in the Final Report, ¶ 55-62.

III. WORLD WAR II AND THE BIRTH OF THE YUGOSLAV MILITARY

46. Eleven days after the German invasion of Yugoslavia in March 1941, King Peter fled with his government to England. 13/ The Royal Yugoslav Army, which had not yet been mobilized, surrendered. To eliminate a threat to their southern flank, the Axis powers divided Slovenia between Germany and Italy. A government was established in Croatia under Ante Pavelić, leader of the pro-fascist Ustaše. In addition, several border areas were ceded to Hungary, Bulgaria, and Albania. The Germans then consolidated their hold on the population by introducing mandatory conscription and forced labour. 14/

47. By the summer of 1941, guerilla bands were operating in mountainous regions stretching through Slovenia, Montenegro, and Macedonia to the Greco-Yugoslav border. The guerrillas were members of two distinct, and eventually mutually hostile, groups: Četniks and Partisans. The main group, the Četniks, operated under a regular army officer, General Draža Mihajlović, who established his headquarters in the mountains of western Serbia. The Četniks were known for their fierce fighting and guerrilla tactics. Politically, however, the Četniks were divided into those who supported King Peter's government-in-exile and those who favoured the establishment of a Republic.

48. The Partisans, who were aligned with the Communist Party, were a more cohesive group than the Četniks. This group, and its leader, Josip Broz (who adopted the nom de guerre Tito, later Maršal Tito), had been banned since 1921. Thus, they had 20 years experience living underground by the time of the invasion, resulting in a more disciplined and secretive force. Tito set up headquarters in Užice, not far from Mihajlović's stronghold and exploited anti-German sentiment in Yugoslavia, taking aggressive offensive action against German forces. Mihajlović, by contrast, sought to avoid German reprisals by building a resistance movement for later cooperation with the allies. See Annex IV, Part 1, for further discussion of this period.

49. By 1942, Četniks and Partisans were fighting each other, and occasionally Četnik forces collaborated with the Italian occupying forces in BiH, Dalmatia, and Montenegro. Četniks in Serbia maintained a tacit truce with the German occupiers. In Croatia, Ustaše troops formed pro-Axis units, and cooperated in offensive actions against the Partisans and occasionally against the Četniks. Bosnian Muslims, along with Serbs and Croats from BiH, formed a brigade to combat the Partisans. Approximately one million people were killed in the former Yugoslavia during World War II. During the war, the Croatian Ustaše regime launched a campaign of annihilation against the Serbs. It has been estimated that the Ustaše killed a large number of Serbs during this period. Depending on the source, the number of Serbs killed varies between 200,000-700,000.

50. Political and military structures continued to evolve during the war. By mid-1942, Tito had two Partisan "divisions", unorthodox formations of about 2,500 fighters each. By late-1942, the Partisan army had been recast as the Yugoslav People's Army of Liberation, consisting of seven "divisions", ranging in strength from 2,500 to 3,500. 15/ These were loosely organized into brigades, and subdivided into battalions. Brigades and battalions were capable of independent operations, and were largely self-sustaining in terms of supplies and equipment. These units lacked artillery, air support, or effective communications. However, they were well-disciplined and fought effectively. 16/

51. Tito's Partisans relied on leadership, security, mobility, and a strategic focus on offensive operations against "soft" targets -- enemy communications, supply, and rear service troops 17/ -- to keep German and other pro-Axis forces (an estimated troop strength of 140,000 German and 66,000 troops from other German Allies including Italy) tied down for the bulk of the war. In addition, the Germans supported 150,000 to 170,000 Croatian Ustaše, Bulgarian, and Četnik troops. 18/ The Partisans were faced by 36 pro-Axis divisions, but the bulk of these were Ustaše, followed by Italian and Albanian forces for a variety of reasons, their effectiveness amounted to less than one half of these forces. Still, a force equivalent to 1,415 effective divisions was checked by the Partisans' guerilla tactics.

52. In addition to his "regular" army, Tito relied on "part-time" partisans, sympathetic local citizens, who served as an auxiliary force. The Germans referred to these troops as Hauspartisanen, or "Home Partisans". The "Home

Partisans", farmers and tradesmen by day, conducted ambushes, sabotaged facilities, and mined roads at night. Their disruptive effect on the Germans was out of proportion to their numbers, and they were rarely caught. Mihajlović's fears of German reprisal were borne out as the Germans killed or imprisoned tens of thousands of civilians to avenge their losses. The reprisals, however, tended to drive more civilians into "Home Partisan" units.

53. After German reprisals resulted in over 8,000 Serb deaths in Kragujevac, Mihajlović's Četniks suspended their operations against the Axis troops. Tito, however, continued his military activities. Thus, the split between Tito's Partisans and Mihajlović's Četniks deepened. The differences between the two forces, both tactical and ideological, were exacerbated by ethnic rivalries and led to a four-way civil war among the Ustaše, Četniks, Partisans and the rump Serbian regime. The power struggle that grew out of the struggle to expel the Axis Powers is not unlike those that have emerged in the current conflict.

54. Tito's Partisans received aid from the Allies throughout the war, although not in large quantities. Tito's requests for aid from the Soviet Union were generally ignored. However, because the Allies viewed Tito as the most effective opposition to the Axis Powers, he drew considerable British support. This, in turn, led to US support for Tito's forces. Thus, the Allied Powers, especially the United Kingdom, developed historic ties to Yugoslavia. At the close of the war, Tito filled the political vacuum left by the Royal Yugoslav and Četnik default. He was expelled from the Soviet bloc by Stalin, and succeeded in his post-1960s efforts of rapprochement with the Soviets while maintaining his independence. 19/

55. Tito was strongly influenced by his experiences in World War II. After being expelled from the Cominform in 1948, and especially after the Soviet invasion of Hungary in 1956, Tito feared an attack by the Soviet block from neighbouring Hungary and Bulgaria. Consequently, he developed the concept of "Total National Defence" (TND, later known as "General People's Defence"), which would require the coordination of the army, Territorial Defence Forces and the local population. The real centre of gravity of the TND was again in BiH, where Tito's Partisans were most successful. Their success was essentially due to the terrain of the region, which consisted of several mountains, heavily wooded areas, caves, ravines, and few roads, making it difficult for the enemy to transport heavy military equipment. Because of the limited access of heavy armour and artillery, the enemy had limited effectiveness. In addition, air superiority would not be a decisive factor because of the mountains, heavily wooded areas and caves and the winter weather. Thus, BiH became the favoured location for storing arms and supplies and building arms and munitions factories. This explains, in part, why the fiercest fighting occurred in certain areas within BiH. Also, because the JNA was in control of the military depots and most of its troops were Serbs, it provided access to the Serb paramilitaries and others to these depots. This provided them with military superiority over Bosnian Muslims and Croats in Bosnia and Herzegovina. Furthermore, because of the larger numbers of Serbs in the JNA, these troops joined in the fight against BiH Muslims and Croats.

IV. DEVELOPMENT OF THE YUGOSLAV MILITARY STRUCTURE

56. Under the 1974 constitution, the federal government of the former Yugoslavia was headed by a Presidential Council which consisted of one member from each Republic and province. The position of chairman of the Presidential Council rotated among the Republics and provinces annually. 20/ Tito retained the title of President, and virtually all of the political power. From 1948 until his death in 1980, President Tito cultivated cultural,

economic, and political contacts with western nations as a leader in the "non-aligned" movement. 21/

57. Under a policy of "socialist self-management", the Yugoslav government managed ethnic nationalism within the Republics and autonomous regions, while generally allowing the Republics to conduct their own economic affairs. 22/ Expressions of ethnic nationalism were prohibited, and demonstrations, as well as other anti-government activities, were dealt with harshly. 23/

58. As mentioned above, Stalin's expulsion of Yugoslavia from the Cominform had far-reaching consequences for the post-war structure of the Yugoslav military. Unlike the other communist countries of Eastern Europe, Yugoslavia's military planners focused not on a threat from Western Europe and the United States, but on the threat of an invasion from the Soviet Union. 24/ This threat gained currency with the Soviet invasions of Czechoslovakia in 1948 (and again in 1968) and of Hungary in 1956. 25/ The specter of a Soviet invasion permeated Yugoslav strategic thought at all levels, and was directly responsible for the force structure that evolved in the former Yugoslavia and in the republics.

59. As mentioned earlier, TND sought to defeat a Soviet invasion by mobilizing all of the cultural, societal, and military resources of the country 26/.

60. The TND became official military doctrine after the 1968 invasion of Czechoslovakia and became official policy upon adoption of the National Defence law of 1969. 27/ As with other communist countries, the communist party apparatus was tightly integrated into the strategic scheme, and party structures at all levels were geared to support military and societal mobilization for war. 28/ Military structures accommodated a "shadow" chain of command responsible to the communist party apparatus. Political commissars, responsible for the political education of the army, were assigned down to brigade level.

A. Evolution of the JNA

61. The evolution of the JNA, particularly after the 1974 constitution, was intertwined with a variety of political trends. One trend was to maintain a strong, centralized, well-equipped mobile army modelled after the principal western armies of the North Atlantic Treaty Organization (NATO). The modernistic conception of NATO was the anti-thesis of both the Soviet military doctrine, which had prevailed for a long time in the JNA, and more particularly, of those who urged a de-centralized army, which would reflect the ethnic and regional realities of this federal state. The 1974 constitution reflected the latter position. The die was then cast for a de-centralized military structure which combined a central army with regionally based and regionally staffed Territorial Defence Forces (TDF). As political events evolved, the centralized federal union began to give way to regional aspirations. The JNA's role as a federal army capable of preserving or imposing federal unity became the subject of intense political manoeuvres. Those who wanted to reduce that potential role of the JNA proceeded to de-centralize its structure and command, reinforce the TDFs under regional command, and reduce the federal defence budget.

62. The post-1974 process was significantly accelerated after 1988 with a number of amendments to the 1974 constitution, which had a strong impact on the increasing political autonomy of the regions (the term regions here includes the republics). This political evolution led to greater regional

control over the TDFs, as well as JNA units stationed in the various regions. In short, it was the beginning of the breakdown of a strong centralized army. By 1991, the JNA was, for all practical purposes, an army without a state, while the republics emerged as states without regular armies. This, to a large extent, explains the transformation that took place over the more than 15 years preceding the beginning of the conflict. It was also during this period, particularly between 1990-1991, that paramilitary units started to be formed. They represented the various ethnic groups, though most of them were Serbian (see Annex III.A, Special Forces).

63. As discussed below, the concept of an "armed people" combined with a professional army was appealing to those brought up in the communist tradition, as well as to those who believed that Yugoslavia and its regions would inevitably have to fight overwhelming foreign opponents and thus necessarily resort to some type of guerilla warfare. The result was a move to enhance the TDFs, de-centralize tactical military command, and pre-position weapons and supplies in areas where the people could have ready access to them. Thus, the people could fight without depending on a distant centralized command which would also lead to delays in receiving weapons and supplies.

64. Nationalistic ideologies grew stronger in the different regions, as reflected in the 1988 constitutional amendments, which increased local government powers. The JNA's central role was significantly affected, and later efforts between 1990-1991 by the JNA to disarm the TDFs and to exert both centralized authority and reinforce national unity proved in-effective.

65. The JNA was under the control of the collective Presidency, which rotated as to the President and whose decisions were based on a majority of its seven members, but also subject to a veto by any of its members. Thus, in time, control of the JNA was very much a consequence of the sharply divergent, political trends between those who sought to preserve federal unity and those who were preparing for a breakup of the federal system and the establishment of new independent states in some of the Republics based on historic ethnicity.

B. Total National Defence (TDF)

66. While national defence was a federal responsibility, the former Yugoslavia had a decentralized system of command and control. In part, it reflected the political trends towards regionalization and eventual separatism, as discussed above. However, it was, in part, based on a particular military doctrine. Reasoning that Belgrade was indefensible, and that national command, control, and communications facilities would thus be vulnerable, 29/ the Yugoslav military planners concluded that the federal government would be unable to control military forces throughout Yugoslavia. Thus, the governments of the various Republics were to cooperate with federal military authorities for regional defence. 30/

67. TND required universal military service to ensure cadres of trained soldiers throughout the country. 31/ Based on their perception of the threat, and fueled by their World War II experience, Yugoslav military training emphasized guerilla tactics in the rough terrain that makes up the bulk of the country. 32/ Decentralized training and mobilization further required dispersed military training facilities throughout the country. 33/

68. Weapons caches and supply stores, like training and facilities, were dispersed throughout the former Yugoslavia to ensure ready access to weapons in the event of invasion. The Yugoslav practice of putting pre-military

training in schools and of organizing its reserve units (Territorial Defence Force) around workplaces further ensured the wide distribution of weapons stores. 34/

69. As a matter of national defensive strategy, then, TND ensured the widest possible distribution of trained soldiers, weapons, and ammunition. Further, the structure of the military itself supported the decentralized concept of TND.

C. General structure of the Yugoslav armed forces

70. The Yugoslav People's Army (JNA) referred collectively to the Army, the Navy, the Air and Air Defence Forces, and border troops. 35/ The JNA was controlled by the federal Ministry of Defence, with operational responsibility resting with the General Staff. The General Staff, in turn, was subordinate to the collective presidency. 36/ Thus, political events related to the power struggles within the collective presidency between 1989-1991 are very significant to the eruption of the conflict and the conduct of the war.

71. In 1991, before the conflict in Slovenia, the core of the JNA was a cadre of some 70,000 regular officers and soldiers, augmented by some 150,000 conscripts serving short terms. 37/ The JNA was intended to provide a unifying force in peace and in war. Thus, the Ministry of Defence sent conscripts out of their home districts for service to avoid ethnic dominance in regular army units. 38/ Despite this effort, however, units were to supplement their ranks with reservists (estimated at 400,000) drawn from the local areas. 39/ As a result, units would have a distinctly ethnic character on mobilization. Despite efforts to homogenize the military ethnically, the JNA officer corps was dominated by Serbs and Montenegrins. Serbs and Montenegrins collectively reflected 38.8 per cent of the Yugoslav population, but made up 70 per cent of the JNA officer corps. 40/ This ethnic character of the JNA is also relevant to understanding the evolution of the conflict.

72. In addition to troops controlled by the Ministry of Defence, the Federal Ministry of the Interior controlled intelligence and state security forces and police forces throughout the country. 41/ The Ministry of the Interior also controlled the People's Police, a paramilitary organization that performed riot control and security operations in addition to standard police functions. 42/ As a police force, the People's Police were relatively heavily armed. Several units had armoured personnel carriers, armoured fighting vehicles, and helicopters. 43/ Because the People's Police were an important component of TND, they were well armed and received extensive infantry training. 44/ Locally recruited civilians would eventually serve with them in their respective Opštinas (counties).

73. TND also required the Republics and Autonomous Provinces to perform a critical role in mobilization. Specifically, each Republic and Autonomous Province was responsible for its own police forces and intelligence agencies under the republic's Ministry of the Interior. 45/ Further, each Republic and Autonomous Province was responsible for organizing, equipping, and mobilizing its own TDF and Civil Defence units. 46/ Each Republic maintained its own TDF headquarters, over which the Federal JNA General Staff was to exercise strategic control, leaving tactical control to the regional or local leadership. 47/

74. TDF units were a reserve force made up of veterans of active YPA/JNA service, leavened with a cadre of professional soldiers. 48/ The TDF was reportedly one million strong and organized into brigades. 49/ The basic

combat formation, however, was the company. 50/ TDF units drew their strength locally, and thus reflected the ethnic makeup of the local area. 51/ Furthermore, TDF units trained for combat operations close to home. Therefore, companies specialized in lowland, mountain, coastal, riverine, and urban warfare were accordingly trained and equipped. 52/

75. Beyond the TDF and regular army, all citizens between the ages of 15 and 65 (55 for women) not otherwise serving were required to participate in the Civil Defence Forces. 53/ The Civil Defence Forces were administered through the Federal Ministry of the Interior, and were reported to have had a strength of two million on mobilization. 54/ This fact is also of particular relevance to this conflict.

D. Structure of the regular army 55/

76. The JNA's structure was changed several times since the Slovenian War of Independence. Three major military re-organizations took place in 1991, 1992 and 1993. But, until the summer of 1991, the JNA was organized into three Military Districts (MD) and a Naval Military District. The Air and Air Defence Force had a separate headquarters at the same level of command as the MD. The MD, designated the 1st, 3rd, and 5th, represented an intermediate level of command between the General Staff and actual combat units. Each MD was responsible for exercising Federal control of forces within its geographic region.

77. The 1st MD, headquartered in Belgrade, was responsible for coordinating the defence of central and north-eastern Yugoslavia. Its estimated strength was 40,000 troops organized into six corps formations, plus units directly subordinate to the MD. Corps headquarters subordinate to the 1st MD were the following:

(a) 4th Corps, headquartered at Sarajevo;
(b) 5th Corps, headquartered at Banja Luka;
(c) 12th Corps, headquartered at Novi Sad;
(d) 17th Corps, headquartered at Tuzla;
(e) 24th Corps, headquartered at Kragujevac; and
(f) 37th Corps, headquartered at Užice.

78. In addition to these forces, the 1st MD had a mechanized infantry division (headquartered in Belgrade), three mixed artillery and anti-tank brigades, and a rocket artillery brigade directly subordinate to the MD headquarters. The 1st MD was thought to have 968 tanks, 56/ 633 armoured combat vehicles and 1,392 artillery pieces, including 92 multiple rocket launchers.

79. The 3rd MD, headquartered in Skopje, was responsible for the defence of Yugoslavia's southern flank. Its estimated troop strength was 41,000, again organized into Corps and direct reporting units. The five Corps headquarters subordinate to the 3rd MD were:

(a) 2nd Corps, headquartered at Titograd;
(b) 21st Corps, headquartered at Niš;
(c) 41st Corps, headquartered at Bitola;
(d) 42nd Corps, headquartered at Kumanovo; and
(e) 52nd Corps, headquartered at Priština.

80. Two brigades of armour and two brigades of mixed artillery and anti-tank weapons were directly subordinate to the MD. The 3rd MD had 729 tanks, 472 armoured combat vehicles, and 1,190 artillery pieces, including 60 multiple

rocket launchers.

81. The 5th MD, headquartered at Zagreb, was responsible for the defence of northern Yugoslavia and had an estimated troop strength of 35,000. The 5th MD had five Corps headquarters:

(a) 10th Corps, headquartered at Zagreb;
(b) 13th Corps, headquartered at Rijeka;
(c) 14th Corps, headquartered at Ljubljana;
(d) 31st Corps, headquartered at Maribor; and
(e) 32nd Corps, headquartered at Varaždin.

82. The 5th MD had 711 tanks, 367 armoured combat vehicles, and 869 artillery pieces, of which 64 were multiple rocket launchers.

83. The Naval MD, thought to be headquartered at Split, consisted of riverine and coastal naval forces, as well as two motorized infantry brigades and an amphibious brigade. Two Corps headquarters reported to the Naval MD, namely the 9th at Knin, and the 86th Guards 57/ Motorized Corps, headquartered at Split. The Air and Air Defence forces were headquartered at Zemun, and had fighter and bomber aircraft, helicopters, and air defence artillery units at air bases throughout the former Yugoslavia.

E. Specialized units

84. In addition to standard infantry, armour, artillery, and associated support units, the JNA had a number of specialized units for particular missions or distinct types of terrain. These units included Mountain Brigades, Alpine Brigades, and the Amphibious Brigade. Of the five Mountain Brigades, only one was an active unit. 58/

85. The JNA also maintained a uniquely Yugoslav formation known as the Partisan Brigade, with obvious historical links to the World War II experience. There were 21 Partisan Brigades spread throughout the former Yugoslavia, two of which were directly subordinate to the Ministry of Defence. 59/ Partisan Brigades were lightly armed and equipped, and formed a territorial reserve force. Much of the Partisan Brigades' equipment was thought to be of World War II vintage.

86. Yugoslavia's forces were designed for mobilizing small, semi-autonomous armies. Universal conscription ensured a basic level of military training for virtually all citizens; the decentralized command and control structures required by Total National Defence ensured that these citizens were prepared for mobilization. Widely dispersed armouries, training facilities, and munitions dumps ensured that the armies of the various Republics would be relatively well-prepared to fight.

V. POLITICAL DYNAMICS AND POLITICAL ORGANIZATIONS

87. In 1990, a dispute arose between Serbia and three of the other five republics. The disagreement concerned the structure of the federal government. The Republics of Slovenia, Croatia and BiH preferred a loose confederation in order to exercise greater autonomy. Serbia, on the other hand, wanted a more highly centralized federation in order to maintain its dominant role. 60/ This dispute resulted in the secession of Croatia, Slovenia, and BiH from Yugoslavia. 61/ The Republics of Serbia and Montenegro and other pro-Serbs did not oppose Slovenia's secession, as it would leave the collective presidency with seven members, four of whom would

be Serbians and Montegrins. This would permit their control over the JNA.

88. Between April and December 1990, multiparty elections were held in all six republics. 62/ After the election of a democratic government in Slovenia, that Republic held an independence referendum in December 1990 that resulted in an 88.5 per cent vote in favour of secession from Yugoslavia. 63/ Croatia held a similar referendum on May 19, 1991, and 93 per cent of the population voted in favour of independence. 64/ This threat of secession prompted a military response from the Yugoslav federal government in an attempt to preserve the territorial integrity of the government.

89. In May 1991, when the leadership of the SFRY collective presidency was due for rotation, the tension increased considerably. A Croat, Stipe Mesić, was to assume leadership, 65/ but Serbia, Montenegro, and the representatives of the two autonomous regions of Kosovo and Vojvodina blocked the vote which would have approved Mesić's leadership.

90. On June 25, 1991, Slovenia and Croatia declared their independence. On 27 June, the central authorities of the armed forces of the central authorities, the JNA in Belgrade decided to attack the provisional Slovenia militia. The Slovenian authorities announced that a "state of war" existed, and appealed for international assistance. 66/

91. By September 1991, the following disposition of JNA forces had evolved:

(a) First operative group: This group was directly controlled by the JNA general staff, with the sector command North consisting of the headquarters of 12 Corps Novi Sad, at least three brigades, and additional forces. It also comprises the sector command South, consisting of the headquarters of the Belgrade mechanized division, with at least six brigades, one Partisan and one artillery brigade.

(b) Second operative group: This group was also directly controlled by the JNA general staff, with the sector command West directed by the 37 Corps (Titovo) Užice, and at least three brigades and territorial forces, and the sector command Dubrovnik controlled by 2 Corps Titograd with three to four brigades and forces of the Montenegrin territorial defence.

(c) Sector Papuk, Nova Gradiška: Troops in this sector were controlled by 5 Corps Banja Luka, with at least three brigades and territorial forces, probably controlled by the first military district Belgrade.

(d) Sector Bosna, Sava, Drina: This sector was controlled by 17 Corps Tuzla, and consisted of at least three brigades and one Partisan brigade. These troops were probably also directed by the first military district in Belgrade.

(e) Sector Karlovac: This sector was controlled by the fifth military district, possibly by the 10 Corps Zagreb, with the remnants of the 32 Corps Varaždin and at least three brigades, an artillery brigade, and territorial forces. The Plitvice, Lika sector was controlled by the 13 Corps from Rijeka with at least one reinforced brigade, one Partisan brigade, and territorial forces.

(f) Sector Knin: Troops within this sector were controlled by the 9 Corps Knin. These troops consisted of forces organic to the corps and additional territorial forces. These troops were reportedly controlled by the general staff in Belgrade.

A. The conflict in Slovenia

92. Beginning in 1990, the JNA moved to pre-empt TDF combat power in Slovenia and in Croatia. As it had done in Kosovo in the 1980s, the Federal Army executed a series of surprise raids on TDF arsenals, training facilities, and caches in an effort to seize weapons and bring them under federal control. These raids were only politically successful. In Croatia, the raids netted the majority of TDF arms stores, but because of the large quantities and the relatively long period of time involved, the JNA seized only 40 to 60 per cent of the Slovenian TDF weapons.

93. The other Republics responded to the threat of Federal raids by expanding their import of arms to offset the potential loss of TDF weapons. Slovenia reportedly spent $50 million on imported anti-tank, small arms, and light anti-aircraft weapons. Slovenia also managed to seize some of the federal weaponry on its soil. Slovenia is also reported to have financially benefited from a complicated financial scheme in April 1991, guaranteed by the National Bank of Yugoslavia in Belgrade. As a result, the Yugoslav Dinar lost almost 50 per cent of its value. Slovenia, however, managed to obtain significant reserves in foreign currency, which financed its transition to independence. Some say that financial negotiations took place between officials in Belgrade and Ljubljana for the recovery by Belgrade of some of these funds. During that period of time, after Slovenia declared its independence and before the withdrawal of all JNA forces, it is reported that the military restraint of the JNA which was imposed from Belgrade was motivated by these negotiation considerations. This would explain why the JNA's overwhelming military superiority was not fully used against Slovenian forces which it could have easily crushed and also why there have been so few casualties and little damage. The JNA was not a willing participant in this restraining policy but it obeyed the political leadership in Belgrade. The result was a loss of morale in the JNA, particularly after its withdrawal from Slovenia. The prevailing wisdom, however, was that strategic considerations required restraint in order for the JNA to face the anticipated war in Croatia.

B. Slovenian forces

94. Relations between the Federal Army and Slovenia deteriorated rapidly throughout 1990, fueled by courts martial of Slovenian dissidents, and by the revelation of JNA contingency plans to topple the republic's leadership. The Slovenian president took over command of the Slovenian TDF, and the TDF began to serve as the nucleus of a national army. In January 1991, Croatia and Slovenia signed a defence cooperation agreement, and in March of that year, Slovenian draftees no longer reported for federal service. Also in March, the Slovenian parliament began requiring seven months service in the republic's armed forces. In June 1991, Slovenia recalled all Slovenian citizens from service with the JNA.

95. By April 1991, the Slovenian TDF was organized into 12 maneuver brigades and 10 independent detachments, which were subordinate to local and regional commands. While there were reportedly 68,000 soldiers available to the Slovenian TDF, there were only enough small arms for 40,000.

96. In June 1991, the JNA appeared ready to crush the Slovenian independence movement. On 26 and 27 June, forces of the 5th MD seized border crossings. However, the JNA's initial action was also subject to the approval of the political leadership in Belgrade, and that approval was withheld.

97. Notwithstanding the JNA's overwhelming military superiority, it acted

with restraint and reserve, ultimately allowing itself, by 3 July 1991, to be repelled by Slovenian forces. The JNA launched a mechanized attack in much the same way federal planners had envisioned a Soviet invasion would take place, and the mounted formations were road-bound, affecting link- up operations with previously inserted paratroops or forward detachments. Meanwhile the Air Force flew sorties in support of the invasion. But, while there was much show of force, there was in effect little action. There was, for example, no use of massed artillery.

98. A total of 45 YPA combatants were killed and 152 wounded in just over one week of fighting. Additionally, some 7,900 soldiers (including 1,000 officers), of a total deployment of 25,000, apparently defected or were captured by the Slovenian TDF. The JNA lost 31 tanks, 230 combat vehicles, and four helicopters.

99. Tactically, the Slovenian TDF forces effectively cut the JNA forces from their lines of support in much the same manner as had their partisan forbears had done to Axis forces. In the absence of concentrated artillery and air interdiction, the TDF mounted a successful anti-armoured defence. Slovenian TDF units cut off the columns of vehicles, or erected barriers on the roads to stop the advance, and then destroyed the stalled vehicles with light anti-tank weapons. Slovenian forces also captured and retained 124 tanks, plus heavy weapons and ammunition, from the JNA garrisons in Slovenia. The poor showing of the JNA, which was so much stronger in every respect, was due to the fact that it was not allowed by Belgrade to fight an all-out war. Thus, its troops became demoralized and uncertain as to the political goals of the leadership in Belgrade, which was restraining them. Some observers of the political scene attribute that to an earlier acceptance by the Serb leadership in Belgrade of Slovenian independence. Some see a connection to a financial settlement alluded to above. More obvious is the fact that Belgrade wanted to concentrate its forces against Croatia and to not have to fight on two fronts.

100. By mid-July 1991, JNA forces had agreed to withdraw from Slovenia within three months. The JNA completed the withdrawal on schedule in October 1991.

C. The conflict in Croatia

101. There are indications that the FRY's political and military leadership was preparing for military conflict in Croatia since 1990, if not earlier. By early 1990, the JNA had clearly shifted its attention to the growing independence movement in Croatia and had redeployed units to reinforce garrisons there. The character of the fighting, both in terms of tactics and intensity, was dramatically different than it had been in Slovenia.

102. Operation RAM called for the covert delivery of weapons from JNA arsenals to local Serb forces in Croatia and in BiH. A back-up plan reportedly was also developed by the JNA. The Psychological Operations Department of the JNA is reported to have had several plans for local provocation by special forces controlled by the Ministry of Interior, and "ethnic cleansing". According to an article appearing in the Slovenian newspaper, Delo, one of these plans, though unrelated to the plans for Croatia, called for mass rapes and executions of Muslims in BiH as a means of psychological warfare. 67/

D. Forces operating in Croatia

103. Unlike Slovenia, Croatia did not rely only on the TDF to form its army. Rather, the Croatians established their own armed forces. While the threat to

Slovenia was primarily an attack by JNA forces, Croatia perceived its threat to be resistance by its Serbian minority population. In Croatia, however, the TDF was named ZNG, and as of 1990, it was being gradually reinforced and strengthened.

104. Between August 1990 and April 1991, bombing and mining incidents, as well as attacks on Croatian police forces, resulted in frequent clashes between Croatian units and Serbian paramilitary forces. By mid-July 1991, the JNA moved an estimated 70,000 troops to Croatia, ostensibly to separate the local warring factions. The fighting rapidly escalated, eventually spanning hundreds of square kilometres from western Slavonia through Banija to Dalmatia.

105. The JNA's objectives in Croatia were not force-oriented, or even terrain-oriented in areas not inhabited by Serbs. Rather, the JNA and the ethnic-Serbian paramilitary forces targeted the civilian population in areas deemed to be part of the "Greater Serbia", primarily centred in the Krajinas. JNA operations in Croatia underwent at least three phases. First, JNA forces secured key bridges over major rivers and neutralized Croat police forces. Second, the JNA cut the capital of Zagreb off from Slavonia, the Krajinas, and Dalmatia. Then Slavonia, Banija, Krajina and Dalmatia were secured. The last phase involved an "ethnic cleansing" campaign to militarily expel non-Serbs from Serb controlled territory, to which the Croats responded in kind.

106. During the conflict in Croatia, the Serbs benefited from local Serbian support. Approximately 12,000 irregular Serb forces were armed and fighting alongside the JNA within Croatia.

107. The toll of the fighting in the first three months was heavy. It was reported that by October 1991, at least 200,000 buildings, 50 bridges, 100 merchant ships, thousands of privately owned vehicles, over 200 Catholic churches, 500 cultural monuments, 20 schools, and 250 post offices were destroyed. Twenty thousand Croatians were killed or wounded, the majority of them civilians. The exact figures of the consequences of this war are yet to be established, particularly the losses and casualties on the Serb side which also suffered heavily.

108. Despite its control of approximately 30 per cent of Croatian territory, JNA forces experienced several problems. An estimated 25,000 draftees deserted, and the entire 32nd Corps, with its equipment, surrendered to Croatian forces in October 1991. According to Croatian sources, the JNA lost 618 tanks, 395 other armoured vehicles, and 100 aircraft during the fighting. In November 1991, the warring forces agreed to a JNA withdrawal from Croatia. Unlike the Slovenes, the Croatians allowed the JNA to take its equipment with it. In return, the JNA agreed to return TDF weapons seized in the spring of 1991. The bulk of the JNA forces and their equipment were redeployed from Croatia to BiH. The following is a synopsis of the various military forces operating in Croatia.

E. Croatian army HV forces

109. The Croatian Army (HV) largely grew out of the former Territorial Defence Force in Croatia. Personnel was also obtained from police forces, volunteers and draftees. The HV is organized into six zones, each of which has mobile infantry and Home Defence Brigades. Although the HV is not officially a party to the conflict in BiH, Croatia has sent HV brigades into BiH on the side of ethnic Croatians and their HVO forces.

F. Croatian National Guard (ZNG)

110. The most militarily significant new Croatian formation was the National Guard Corps (ZNG), introduced in April 1991. By May 1991, Croatian officials were listing "active" and "reserve" National Guard Corps brigades. National Guard Corps brigades were motorized and composed of several subordinate battalions, each composed of four to five 82-man companies. Seventy-five per cent of the troop strength is thought to be ethnic Croatian.

111. The National Guard Corps (ZNG) drew soldiers from the former republican police (a force of roughly 15,000 in 1990) and from reservists and Croatian TDF members. The bulk of the leadership positions were filled by former JNA officers who were Croatians.

112. In 1991, Croatia announced that Croatian citizens would perform their military service in the National Guard Corps (ZNG), rather than in the JNA. The primary role of the National Guard Corps was to provide internal security and to fight the counter-insurgency war against Serbian paramilitary groups.

113. While its armament is ostensibly "defensive", the National Guard Corps (ZNG) is armed with armoured fighting vehicles, and has access to the former tank plant at Djuro Djaković. Croatia has purchased arms and munitions from Hungary, Romania, and from private sources in other countries.

114. In addition to the National Guard Corps (ZNG), the Croatian Ministry of the Interior formed units from its police reserves to serve as an internal security force. The Ministry of the Interior troop strength increased dramatically during 1991, to the point that many of its soldiers fought without uniforms in June and July 1991. The Ministry of the Interior troops also include the "Blue Berets", a special forces unit organized to conduct counter-terrorist operations. (See Annex III.A, Special Forces).

115. Croatia also has a small navy, consisting of approximately 30 ships seized from the JNA navy during 1991. Its primary mission is the defence of Croatia's territorial waters. It has limited capability for offensive operations using its two missile-gun boats, two missile craft, and one torpedo boat. In addition, Croatia launched a missile corvette in March 1992. The Croatian navy also controls a single regiment of naval infantry organized into eight companies. These units saw active service during the Croatian offensive into southern Dalmatia to relieve Dubrovnik.

G. Ethnic Serbian forces in Croatia

116. The Serbian minority in the self-proclaimed autonomous region of Krajina formed various paramilitary groups of approximately 12,000 men beginning in the summer of 1990. The largest of these was formed by the former chief of police for the region, Milan Martić, who became Secretary for Internal Affairs for the region. Ethnic Serbian members of the former police force, estimated to comprise 20 per cent to 50 per cent of Croatia's police, provided the bulk of the manpower for the "Martićevci" forces. Milan Martić, a former police officer in Krajina turned militia leader, is now President of the so-called Serb Republic of Krajina. These have been augmented by Serbian volunteers from Croatia, Serbia, and elsewhere in the former Yugoslavia. Martić also recruited local TDF units, with their weapons, to serve in the Krajina armed forces. The JNA provided substantial quantities of heavy weapons and supplies from within Serbia, as evidenced by reports that Krajina forces wore JNA uniforms and used JNA topographic maps. There were also reported increases in the quantity and sophistication of weapons in ethnic Serb training camps within the Krajina.

117. Serbian Krajina is composed of three autonomous regions: 1.) Kninska Krajina and Banija-Kordun; 2.) Western Slavonia; and 3.) Eastern Slavonia, Baranja and Western Srem. A large number of Serbian militia groups and special forces have been operating in this area. (See Annex III.A, Military Structure.)

H. Serbian Regular Army of Krajina (SASK)

118. The regular Serbian Army of Krajina is composed of 6 Corps, which in turn are composed of 24 Brigades, for an estimated troop strength of 35,000 to 45,000. These 6 Corps are reported to be directly subordinate to the SASK General Headquarters Command of the Republic of Serbia Krajina in Knin.

I. Reorganization of the YPA/JNA after 1992

119. Following the secessions of Slovenia and Croatia from Yugoslavia, the JNA reorganized its force structure to account for the changed geopolitical situation. The JNA planned its reorganization to coincide with the declaration of the new state of the FRY, consisting of Serbia and Montenegro, in April 1992.

120. The plan called for the downsizing of the ground forces, along with a change in force structure to reflect the Army's new mission. That mission, as conceived by JNA planners, included the protection of the Serbian population outside Serbia proper by transferring its command structure to the local TDF units and subsequently to the armies of BSA and the Serb Republic of Krajina, and by supplying arms, ammunition and supplies. This explains the strategic importance of controlling the areas in BiH along the Drina and Sava rivers.

121. The Ministries of Defence in the Serbian autonomous regions of Croatia and BiH were initially subordinated to the new Yugoslav Ministry of Defence. While the "autonomous regions" would remain responsible for recruiting and organizing their own field forces, they could do so only with Belgrade's approval. The General Staff in Belgrade would retain operational control over all of these forces. Ethnically, the new "Yugoslav Army" was to be almost entirely Serbian and Montenegrin, a measure designed to ensure loyalty among officers and troops. 68/

122. This plan for reorganization was overtaken by events on the ground, including the forced withdrawal of JNA troops from Macedonia and the worsening situation in BiH. By May 1992, the JNA had changed its name to the Yugoslav Army (YA), and had made a token withdrawal of forces from BiH. Roughly 80,000 former JNA forces deployed in BiH were officially transferred to the "Territorial Defence Forces of the Serbian Republic of Bosnia and Herzegovina" (SRBiH).

123. Salient features of the new JA include its smaller size and its greater reliance on professional soldiers. Fifty per cent of the JA were professional soldiers, recruited primarily from former conscripts. Along with downsizing, the JA initiated a rapid programme of equipment modernization. It transferred its older weapons to Serbian irregular units and replaced them with more modern, sophisticated weapons. Structurally, the JA created a force structure that includes forces capable of rapid intervention. New plans were prepared for the defence of the new FRY, particularly contemplating the eventuality of foreign military intervention in the conflict in Croatia and later in BiH.

J. Forces of the Federal Republic of Yugoslavia (FRY)

124. At the beginning of 1993, the JA troop strength was estimated to be 150,000 with 400,000 reserves. An additional 110,000 troops was nominally subordinated to the Defence Ministries of the Serbian Republic of Bosnia and Herzegovina (SRBiH) and the Serbian Republic of Krajina. These forces receive instructions, arms and ammunition and other support from the JA and from the FRY.

125. JNA units were typically kept below full strength in peace time, to be supplemented by reservists as needed. The JNA units have the following characteristics:

(a) JNA Forces wear uniforms with distinctive emblems;
(b) Officers have identifiable rank; and
(c) Effective command and control exists.

126. The JNA exercised authority over Bosnian Serb and Croatian-Serb militias and armed civilian groups within their operational areas, but only during military operations in which the JNA was involved.

K. Forces in Bosnia and Herzegovina (BiH)

127. On 1 March 1992, BiH became the fourth Yugoslav Republic to declare its independence from the former Federal Government. The first three were Slovenia, Croatia and Macedonia. The BiH declaration of independence caused a split in that former Republic along ethnic lines. The large Serbian minority, approximately 33 per cent of the population, had passed their own referendum opting to remain a part of Yugoslavia in November 1991. Bosnian Serbs boycotted the March, BiH-wide referendum on independence. The Bosnian Muslims, 44 per cent of the population, and ethnic Croats, 17 per cent of the population, voted overwhelmingly in favour of secession. This sparked a rebellion among the Serb population and led to the bloodiest fighting to date in the former Yugoslavia.

128. What follows is a brief description of forces deployed in BiH at the time that conflict erupted.

L. The Territorial Defence forces of the Serbian Republic of Bosnia and Herzegovina (SRBiH)

129. In the months preceding the formal declaration of BiH's independence from the Yugoslav federation, the republic's civilian leadership had been involved in negotiations for the withdrawal of JNA forces from Bosnian soil. 69/ In April 1992, the Government of BiH ordered the official withdrawal of all Federal forces, which were not ethnically from BiH. 70/

130. The Belgrade government announced on 4 May 1992 that it would withdraw troops who were not from BiH. 71/ As a result, approximately 14,000 JNA troops were withdrawn from BiH in late May 1992. 72/ The Federal troops remaining, 80,000 combatants, were transferred with their equipment to the "Territorial Defence Forces of the SRBiH" (SRBiH). 73/

131. Serbian forces have divided BiH into six areas: 2nd Corps in the north-west, the so-called Muslim Triangle; 17 Corps in the north-east; 1 Corps in the centre, the Romanija Corps in the area of Sarajevo; the Drina Corps in the area around Srebrenica; and the Herzegovina Corps in the South.

132. The commander of the SRBiH is General Ratko Mladić, a former JNA Brigadier General and former commander of the JNA's 9th Corps headquartered at Knin. 74/

133. The Sarajevo Romanija Corps is the Bosnian Serb force of the Bosnian Serbian Army (BSA). The Romanija Corps has surrounded the city of Sarajevo since the beginning of the siege. It is the successor of the JNA unit which occupied the same position until May 1992. There are indications that early in the siege the JNA was involved in the fighting in Sarajevo. 75/

134. The Sarajevo Romanija Corps' headquarters is located in the hills overlooking the city at Lukavica. The Corps was originally commanded by Major General Tomislav Šipčić who was followed by Major General Stanislav Galić. The command structure has largely remained the same throughout the siege. The BSA forces have concentrated their efforts on weakening the city through constant bombardment from the surrounding hills. (See Annex VI, The Battle and Siege of Sarajevo.)

135. Since the beginning of the siege, on 5 April 1992, the 1st Corps Sarajevo served as the BiH defensive force in and around Sarajevo. Most assessments characterize the 1st Corps as having superior infantry numbers to the besieging forces, but clearly deficient in its firepower. The 1st Corps Sarajevo headquarters is located in Sarajevo and was originally commanded by Mustafa Hajrulahović. The most recent commander was Vahid Karavelić.

136. The Croatian Defence Council (HVO) and the 1st Corps forces fought together in defence of the city throughout much of the siege, despite opposing one another in Mostar and in other parts of BiH. However, in late September 1993, there were reports that the Bosnian Serb forces (BSA) held their fire along sections of the front in Sarajevo which were defended by the HVO. These forces traded cigarettes and food across the Miljacka. In early November 1993, the BiH army disbanded the HVO unit in Sarajevo and arrested its commander, Slavko Zelić. The BiH army then invited HVO soldiers to join a new Croatian brigade of the 1st Corps. (See Annex VI, The Battle and Siege of Sarajevo)

137. General Mladić is reported to have issued explicit orders to bombard non-Serbian civilian targets within the city of Sarajevo. 76/ Such targets have included the main hospital (which receives the bulk of its shelling during the mid-afternoon visiting hours), mosques, churches, and other civilian targets. 77/

138. General Mladić's headquarters moved from Pale, near Sarajevo, to more secure facilities near Han Pijesak, north-east of Sarajevo, in the summer or fall of 1992. 78/ From there, Mladić has secure communications with his deployed forces and with Belgrade. 79/ Mladić is the effective commander of these forces, but field commanders apparently have wide latitude in carrying out his guidance. 80/ Furthermore, cooperation and coordination between the SRBiH and local Serbian paramilitary forces have not been uniformly effective. 81/

139. Estimates of SRBiH troop strength have been unreliable, at least in part because of the confusion of SRBiH forces and the various ethnic-Serb paramilitary groups. Of an approximately 80,000 troops of the former JNA deployed in BiH, roughly 35,000 are considered an effective fighting force. 82/ Many of these troops move in and out of active duty, performing civilian functions when not called to engage in military activity.

140. By the beginning of 1993, in the Sarajevo area, SRBiH forces fell under the command of the IV East Bosnian Corps (also known as the Sarajevo-Romanija Corps), 83/ first commanded by Major General Tomislav Šipčić, then by

General Gelić. 84/ IV East Bosnian Corps controls elements of the former JNA 4th Corps. 85/

141. Units deployed in the Sarajevo area include the following: 86/

(a) The 7th Infantry Brigade, commanded by Lieutenant Colonel Jovo Bartula, Slaviša Terzić (rank unknown), Svetozar Antić (rank unknown), and Ilija Stanarčević (rank unknown), 87/ reportedly consists of three infantry battalions. It is reportedly operating to the south of Sarajevo.

(b) The 10th Infantry Brigade, which operates east of the city (no further information available).

142. The IV East Bosnian Corps is headquartered at Pale and retains several units in the vicinity of the headquarters. These units include the following:

(a) 14th Mechanized Infantry Brigade (no further information available);

(b) 215th Infantry Brigade (no further information available); and

(c) 9th Air Defence Artillery Regiment (no further information available).

143. In addition to these units, the IV East Bosnian Corps has several unidentified battalion formations of unknown strength, a military police element, and two regiments of artillery and mixed artillery/anti-tank weapons. The current deployment of these units is not known. Furthermore, the Corps controls two additional brigades of infantry (one of which is reportedly mountain infantry) whose whereabouts are unknown.

144. Croatian sources have reported that the SRBiH has approximately 350 tanks, over 200 armoured personnel carriers, and as many as 1,000 field guns, as well as mortars and recoilless guns. 88/ Much of this inventory is likely to be in a poor state of readiness because of combat losses and damage, and because of poor maintenance. 89/

145. The SRBiH has large quantities of small arms and ammunition. The former JNA seized 450,000 small arms prior to its redeployment, 20,000 of which came from Sarajevo. 90/

146. Apart from the former JNA forces deployed in BiH, troops from Serbia have augmented local paramilitary forces. These forces vary greatly in size, strength, armament, and effectiveness. Collectively, they are referred to by the traditional moniker "Četniks". 91/

M. Serbian forces

147. There has been no "Serbian Army" since 1915. However, in June 1991, Serbia's defence minister announced that Serbia would form its own army if the nation of Yugoslavia collapsed. Concern over the breakup of the Yugoslav federation led the Serb Republic to accelerate modernization of its TDF units should the need arise to re-establish the Serbian army. 92/

148. Like the other republics, Serbia had troops under the control of its Ministry of the Interior, primarily police units. In April 1991, Serbia conducted a partial mobilization of its police reserves, ostensibly to keep peace in the Muslim populated Sandžak region of Serbia. 93/ By July, Croatian sources indicated that these police units were massing along Serbia's

eastern frontier. 94/ The call up of police reserves was also designed to provide troop strength for Serbian paramilitary units. The mission of these units is to support Serb minorities in other Republics of the former Yugoslavia. 95/ These paramilitary units are linked with various Serbian nationalist political groups. Some of these units were fighting in Krajina by July 1991. 96/

149. The paramilitary forces include units such as Arkan's "Tigers", Šešelj's "White Eagles", Captain Dragan's forces, as well as forces led by retired JNA General Dušan Pekič. Dušan is associated with the "League of Communists - Movement for Yugoslavia". These and other paramilitary units are discussed in Annex III.A., Special Forces.

150. In mid-July 1991, the Serbian Radical Party announced its intention to send volunteer forces to the Krajina. The Serbian ministry for internal affairs was allegedly responsible for de-stabilizing other Republics and encouraging the Serbian population in Croatia, BiH, and Kosovo. 97/

151. In BiH, local Serbian leaders began to form paramilitary units in the summer of 1991, in response to the fighting in Croatia. 98/ These units were secretly armed and supplied by the former federal army. In addition, Serbian paramilitary groups based in Croatia and Serbia infiltrated parts of BiH where the Serbs comprised a majority of the population. 99/ Clashes among the Serbs, Muslims and Croats took place in late February 1992. Full scale hostilities broke out in April 1992, when Serbian irregulars opened fire on peaceful demonstrators in Sarajevo. At least 62 paramilitary units, or special forces, have been identified as operating within BiH. These units have close ties to the governments with which they are aligned. In fact, many of these units report to senior governmental officials in Serbia and Croatia. 100/

152. Some towns and villages formed additional paramilitary units. These local forces operate in the areas of their towns and villages. Occasionally, they also lend support to similar groups and other combatants in the same opština (county) and neighbouring areas. Their command and control is local and the chain of command difficult to establish, though characteristically these groups, like the special forces, have an identifiable leader. Frequently, the unit or group uses a politically significant name, or the name of their town, village or area. The leadership is drawn from the local area, and mostly consists of political figures. These units, particularly among Serbs in BiH and Croats in Krajina, have, like the special forces, committed many violations of international humanitarian law. The police (POLICIJA), augmented by "volunteer" armed civilians, also participate in military activities. These forces operate within a given municipality (opština) and are normally under the overall control of the Ministry of the Interior. Furthermore, the respective ministries of interior also have national and regional police units which usually operate outside the boundaries of local municipalities. The relationship between national, regional, and local police is not always clear and varies in each country and, sometimes, within the regions of each country. During the early stages of the conflicts in Croatia and in BiH, the police, augmented by volunteer armed civilians, operated without apparent command and control from the army. Their leadership was local, and included many political figures. These forces acted with almost complete autonomy in their respective areas.

N. Forces allied with the Republic of Bosnia and Herzegovina (BiH)

153. The political leadership in Sarajevo was unprepared for the Serbian

paramilitary and SRBiH attacks. 101/ As a result, Serb forces controlled approximately 70 per cent of BiH before the Bosnian government mounted an effective resistance. 102/

154. Alarmed by Serbian attacks, local Muslim leaders organized paramilitary units in 1991. 103/ The first of these units was the "Bosna" organization, also known as the "Green Berets" for their distinctive headgear. The unit, composed of volunteers ranging in age from 15 to 60, is armed with former JA small arms, German-made light anti-tank weapons, and mortars. 104/ These and other paramilitary forces are discussed in Annex III.A, Special Forces. It should be noted that there is no single unit called "Green Berets". Most BiH units wear green berets and are referred to as such by sources.

155. The "Patriotic League of the People", with a reported strength of 3,500 troops is another Muslim paramilitary force. 105/ The group's weaponry is unknown, but because of the generally poor preparations for war in BiH and the United Nations arms embargo on the former Yugoslavia, it is unlikely to have large quantities of arms.

156. The Serbs initially claimed that BiH had organized 50,000 soldiers into four divisions and an assortment of smaller, independent elements. This claim, however, appears to have been principally designed for propaganda purposes. 106/ In reality, the government of BiH was unprepared for war.

157. On 11 April 1992, the Bosnian government ordered unification of all armed groups under the republic's General Staff. The General Staff then locally organized 75 communal staffs to administer the army. These local staffs consisted of 122 former JNA officers and NCOs and 33 civilian employees. 107/

158. On 14 May 1992, the government established a regular army under the President. The troops were to be administered by the Ministry of Defence through the General Staff. 108/ The government remained in Sarajevo. As a result, the entire Cabinet has been confined in the besieged city. This has had an adverse effect on command and control within the army, and on coordination of the fight at all levels. 109/ What follows is a breakdown of the military forces allied with the Republic of BiH.

O. Republic of Bosnia and Herzegovina (BiH)

159. By 1993, the Army of BiH was organized into five Corps commands, with a total of about 70,000 troops. However, only about 44,000 of this total was armed. The Corps consist of five brigades of 1,000 to 1,500 soldiers each, although some brigades are reportedly much smaller. Brigades are responsible for defending specific geographical areas. 110/ Each Corps is assigned to an Operational Zone in either Sarajevo, Tuzla, Zenica and Mostar.

160. Unlike the HVO and BSA, which can rely on support from neighbouring governments with which they are aligned, BiH has no effective neighbouring support. Consequently, volunteers in BiH are generally poorly trained and equipped.

161. In the spring of 1994, BiH achieved some successes against Serbian Forces. In part, this may be due to an improved ability to produce arms within BiH. According to a report by one military analyst, BiH's defence industry employs approximately 15,000 persons. 111/ It has also been reported that production has been restarted on Kobra (Cobra) assault rifles, hand grenades, grenade launchers, and other weaponry. 112/ Other weapons

reached BiH from abroad through Croatia.

P. Territorial Defence Forces (TDF)

162. Muslim TDF forces represent the Republic's territorial defence structure, including some local-level militias. TDF forces are usually comprised of Muslim soldiers, although there are sometimes also Croatians and Serbians. The forces usually operate under local or regional command.

Q. Forces of the Croatian community of Bosnia and Herzegovina (BiH)

163. The Bosnian Croat regular army is composed of 21 Brigades which include an estimated 60,000-70,000 troops in four operational groups. These operational groups are located in the four Operational Zones of south-east Herzegovina, south-west Herzegovina, middle Bosnia, and Posavina.

R. Croatian Defence Council (HVO)

164. These surrogate forces of the Republic of Croatian regular army (HV), are known as the HVO. They are usually comprised of Bosnian Croatians armed and trained by Croatia, and tend to be more disciplined. This is the principal Croatian military force fighting in BiH.

165. Until 1994, the Muslim and Croat forces in BiH were poorly armed compared to their adversaries, both in terms of the quantity and quality of their weapons. Most of the small arms are former JNA weapons of early post-war vintage. 113/ Reportedly, the Muslim forces have two tanks, a few armoured personnel carriers, and 10-12 heavy guns. 114/

166. In addition to indigenous ethnic Muslim and Croat forces, expatriots and volunteers from countries have contributed small forces to fight the Serbs. While reports have varied as to the number of mujahedin, volunteers from Islamic countries, the most accurate figure is between 400 and 600. In addition, Turkey and Iran reportedly sent military trainers and advisors to the Bosnian army. 115/

S. The military industry in the Former Yugoslavia 116/

167. Before 1991, Yugoslavia had over 150 government-owned companies which produced aeroplanes, tanks, trucks, armed personnel carriers, artillery, rocket launchers, small arms, munitions and spare parts, even submarines.

168. These industries were located in different parts of the country and came under different control as the overall conflict developed into three separate conflicts. This explains in part why some of the warring factions had certain weapons and equipment and not others.

Notes

1/ Slovenia declared its independence on 25 June 1991, followed by Croatia on 25 July 1991, and BiH on 6 March 1992. All three were admitted as members of the United Nations on 22 May 1992.

2/ Final Report of the United Nations Commission of Experts Established Pursuant to Security Council Resolution 780 (1992), U.N. Doc. S/1994/674, at 30, ¶ 116 (27 May 1994).

3/ Id. at 30, ¶ 117.

4/ James Gow, "One Year of War in Bosnia Herzegovina", 2 Jane's Intelligence Review 1 (4 June 1993).

5/ See Annex IV for the "Policy of Ethnic Cleansing", Annex IV, Part 3 of "Ethnic Cleansing in Zvornik", and Annex V for "Prijedor".

6/ See James Gow, "Slovenia Territorial Defence A Year on", Jane's Intelligence Review 305 et. seq. (July 1992).

7/ See Milan Vego, "The Croatian Army", Jane's Intelligence Review 203 et. seq. (May 1993); Milan Vego, "The Croatian Forces in Bosnia-Herzegovina", Jane's Intelligence Review 99 et. seq. (March 1993).

8/ See Milan Vego, "The Army of Bosnia and Herzegovina", Jane's Intelligence Review 63 et. seq. (February 1993).

9/ Final Report of the United Nations Commission of Experts Established Pursuant to Security Council Resolution 780 (1992), U.N. Doc. S/1994/674, at 31 (27 May 1994).

10/ Milan Vego, "Federal Army Deployments in Bosnia and Herzegovina", Jane's Intelligence Review 445-46 (October 1992).

11/

		Geneva Conventions	Protocol I/ Protocol II
Yugoslavia	(Ratification)	21 April 1950	11 June 1979
Slovenia	(Succession)	26 March 1992	26 March 1992
Croatia	(Succession)	11 May 1992	11 May 1992
BiH	(Succession)	31 December 1992	31 December 1992

12/ See M. Cherif Bassiouni, Crimes Against Humanity in International Criminal Law (1992).

13/ Robert B. Asprey, War in the Shadows: The Guerilla in History (1975). See also Annex IV, Part 1, which discusses the history of the region.

14/ Id.

15/ In contrast, 14 German divisions had an authorized strength of roughly 10,000 troops per division.

Notes (continued)

16/ The Partisan military accomplishments are even more noteworthy because, unlike most guerilla armies in history, the countryside in which they operated was not necessarily friendly. Ustaše and Četnik forces, using tactics similar to those of the Partisans, occupied the same woods. This reduced the "safe haven" factor historically crucial to guerilla forces.

17/ A frequently used tactic was to hide in the hills, allow the German combat formations to bypass the hidden Partisans, and then to attack the support troops that followed behind the infantry. This caused major disruption to the German lines of support and communication, and had an extremely demoralizing effect on the German troops.

18/ The Germans launched at least seven major offensives to destroy the Partisans, using German, Četnik, Ustaše, and other Axis troops. While the Partisans suffered serious casualties, they were never completely defeated.

19/ The depth of the rift between Yugoslavia and the Soviets is underscored by the existence of a formal United States Military Assistance and Advisory Group in Belgrade from 1951 to 1961, at the height of the Cold War. Over the course of the Cold War, the United States extended some $600 million in military grants and an equal amount in economic assistance to Yugoslavia.

20/ Mark Weller, "The International Response to the Dissolution of the Socialist Federal Republic of Yugoslavia", 86 American Journal International Law 569, 593 (1992).

21/ Michael S. Evancevich, "Danger in the Balkans", in Military Intelligence 10, 12 (April-June 1993).

22/ Id.

23/ Id.

24/ David C. Isby, "Yugoslavia 1991 - Forces In Conflict", 3 Jane's Intelligence Review 394 (1991).

25/ Id.

26/ Id.

27/ TND was codified in Article 240 of Yugoslavia's 1974 Constitution, which states that the armed forces consist of the YPA and territorial defence units.

28/ David C. Isby, "Yugoslavia 1991 - Forces In Conflict", 3 Jane's Intelligence Review 394 (1991).

29/ Id. The assessment that command, control, and communications facilities were vulnerable was based on the assumption, probably accurate, that an invading Soviet force would achieve air superiority early in the campaign and would thus be able to destroy the military infrastructure from the air. Id.

Notes (continued)

30/ David C. Isby, "Yugoslavia 1991 - Forces In Conflict", 3 Jane's Intelligence Review 394 (1991).

31/ Id. at 395.

32/ Id.

33/ Id.

34/ Id. In addition to military weapons, an estimated 1.6 million citizens legally owned private firearms in 1989. Id.

35/ Id. See also James Gow, "The Yugoslav Army, An Update", Jane's Intelligence Review 501 et seq. (November 1993); Milan Vego, "Yugoslav Ground Forces", Jane's Intelligence Review 247 et seq. (June 1993).

36/ David C. Isby, "Yugoslavia 1991 - Forces In Conflict", 3 Jane's Intelligence Review 395 (1991). After 1991, the reorganized JNA effectively came under the direct command of President Milošević, who was reportedly personally involved in the appointment of succeeding chiefs of staff and also of other sen or officers. He is also reported to have become increasingly involved since 1991 in strategic and major tactical decisions, such as the type and level of military supplies and assistance given to the Serbs in Bosnia and Croatia.

37/ David C. Isby, "Yugoslavia 1991 - Forces In Conflict", 3 Jane's Intelligence Review 397 (1991).

38/ Id.

39/ Id.

40/ Id. at 396-97. The Air and Naval forces did not exhibit this striking ethnic imbalance. Id. at 397.

41/ Id. at 395.

42/ Id.

43/ Id.

44/ Id.

45/ Id. at 397.

46/ Id.

47/ Id. at 395.

48/ Id. at 397-98.

49/ Id. at 398.

Notes (continued)

50/ Id.

51/ Id.

52/ Id.

53/ Id.

54/ Id.

55/ The structural information presented here is drawn directly from Michael Brown, "Yugoslavia's Armed Forces - Order of Battle", 3 Jane's Intelligence Review 366 (1991).

56/ There were 230 M-84 model tanks, the Yugoslav version of the Soviet T-72 and 758 were the older, slower, and less heavily armoured T-55 model. Id.

57/ "Guards" is an honourific meant to recognize a unit's performance in combat.

58/ The active Mountain Brigade was the 6th, headquartered at Delnice, and subordinate to 13th Corps, 5th MD. Id.

59/ These were the 81st Partisan Brigade at Mostanika, and the 63rd Partisan Brigade at Zvezdara. The other 19 brigades were subordinate to various Corps headquarters, and through the Corps to the MD. Id.

60/ Mark Weller, "The International Response to the Dissolution of the Socialist Federal Republic of Yugoslavia", 86 American Journal International Law 569, 569-570 (1992).

61/ These Republics did eventually secede. Slovenia and Croatia seceded on 25 June 1991, and BiH on 6 April 1992.

62/ Mark Weller, "The International Response to the Dissolution of the Socialist Federal Republic of Yugoslavia", 86 American Journal International Law 569, 569-570 (1992).

63/ Id.

64/ Id.

65/ Id.

66/ Id. The YPA's performance against the Slovenes is discussed infra. See also supra note 6.

67/ See Annex IV.B.

68/ After its reorganization, the composition of the Yugoslav Army enlisted force was 50 per cent Serb, 20 per cent Montenegrin, and 30 per cent "other" -- primarily ethnic Albanians and Hungarians. The officer corps,

Notes (continued)

however, was 92.6 per cent Serbian, 7 per cent Montenegrin, and .4 per cent "other".

69/ Milan Vego, "Federal Army Deployments in Bosnia and Herzegovina", 4 Jane's Intelligence Review 445 (1992).

70/ Id.

71/ Id.

72/ Id.

73/ Id. The abbreviation "SRBiH" is used by the United Nations Protective Forces (UNPROFOR).

74/ Milan Vego, "Federal Army Deployments in Bosnia and Herzegovina", 4 Jane's Intelligence Review 446 (1992).

75/ See Annex VI, Study of the Battle and Siege of Sarajevo, for a daily chronology of the battle and siege and a detailed analysis and comprehensive breakdown of the forces in and around the city.

76/ Id. See also "Transcript of Radio Communications by Radovan Karadžić, Ratko Mladić and Others", (conversations reportedly between Mladić and his artillery commanders in which Mladić orders civilian targets hit repeatedly).

77/ Id.

78/ Milan Vego, "Federal Army Deployments in Bosnia and Herzegovina", 4 Jane's Intelligence Review 446 (1992).

79/ Id.

80/ Id.

81/ Id.

82/ Id.

83/ Id. at 447.

84/ UNPROFOR Order of Battle Document (25 May 93), IHRLI Doc. No. 2549-25123, at 25077.

85/ Milan Vego, "Federal Army Deployments in Bosnia and Herzegovina", 4 Jane's Intelligence Review 447 (1992).

86/ This analysis was made by comparing UNPROFOR Order of Battle Documents, with UNPROFOR Pictorial Information Summaries (PICINFSUM), 27 May 93.

Notes (continued)

87/ A more detailed and updated analysis is available in the Sarajevo report, Annex VI.

88/ Milan Vego, "Federal Army Deployments in Bosnia and Herzegovina", 4 *Jane's Intelligence Review* 447 (1992).

89/ Id.

90/ Id.

91/ Id.

92/ David C. Isby, "Yugoslavia 1991 - Forces In Conflict", 3 *Jane's Intelligence Review* 403 (1991).

93/ Id.

94/ Id.

95/ Id.

96/ Id.

97/ Id. See also Annex III.A, Special Forces.

98/ Milan Vego, "The Army of Bosnia Herzegovina", 5 *Jane's Intelligence Review* 63 (1993).

99/ Id.

100/ See Annex III.A, Special Forces.

101/ Milan Vego, "The Army of Bosnia Herzegovina", 5 *Jane's Intelligence Review* 63 (1993).

102/ Id.

103/ Id.

104/ Id. at 63-4.

105/ Id. at 64.

106/ Id.

107/ Id.

108/ Id. at 65.

109/ Id. at 64.

110/ Id. at 65.

Notes (continued)

111/ Milan Vego, "The Muslim Defense Industry in Bosnia and Herzegovina", Jane's Intelligence Review, May 1994, at 213.

112/ Id.

113/ Id. at 64. Typical weapons include AK-74 assault rifles, 90 millimetre. M79 Osa [Wasp] and 120 millimetre. Zolja [Hornet] anti-tank rockets, and German Panzerfaust bazookas, as well as 60 millimetre and 80 millimetre mortars. Id. Older weapons include AK-47 assault rifles, and M48 rifles (early postwar vintage).

114/ Id.

115/ Id.

116/ Miodrag Ivanović, "The Fate of the Yugoslav Military Industry", Jane's Intelligence Review, 164 et. seq. (March 1993).

FINAL REPORT OF THE UNITED NATIONS COMMISSION OF EXPERTS ESTABLISHED PURSUANT TO SECURITY COUNCIL RESOLUTION 780 (1992)

ANNEX III.A
SPECIAL FORCES

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I. INTRODUCTION

1. The conflict in the former Yugoslavia has seen the widespread use of paramilitary organizations within the territories of the Republic of Bosnia and Herzegovina (BiH), the Republic of Croatia, and to a lesser extent, the Federal Republic of Yugoslavia (FRY). The use of paramilitary organizations by all "warring factions" must be viewed in the context of the breakup of Yugoslavia and the structure of the military before the breakup. 1/ In the period of 1989-1991, political ferment indicated that a breakup of Yugoslavia was likely. However, there were no indications as to how the country would be divided. The rise of nationalism and ethnic tension caused Yugoslavs to become concerned for their own safety. This concern over their own self-defence, combined with the rhetoric of nationalist politicians, led many Yugoslavs to arm themselves. Furthermore, uncertainty about the Yugoslav National Army's (JNA) role in post-Communist Yugoslavia led many to conclude that paramilitary organizations were a necessity.

2. The creation of paramilitary groups was further fueled by the wide circulation of stories of atrocities committed by all sides. Serbs, for example, were shown pictures allegedly depicting the Mujahedin forces holding the severed heads of Serb soldiers. All sides viewed themselves as victims, not as perpetrators, thereby creating a desire for revenge and providing justification for their own deeds.

3. Paramilitary organizations exist in several forms. Some are highly-organized groups and operate in several theatres in conjunction with regular military formations. Others are loosely organized and act alone in a single village or on an ad hoc basis. Some of the groups preceded the conflict, others followed it. Still others were formed as the need arose during the conflict. These groups have been organized by the governments or militaries of the warring factions, by political parties, as well as by local police, political, military or community leaders. The members of these paramilitary organizations have been drawn from the regular army, Territorial Defence forces, local militia and police, local civilians, expatriots, and foreign nationals. According to some reports, the paramilitary organizations also include criminals released from prison solely for the purpose of forming these units.

4. For purposes of this report, the paramilitary forces operating in the territory of the former Yugoslavia can be classified into four categories: Special Forces, "Militias", "Paramilitary units", and "police augmented by armed civilians". 2/ Special Forces usually operate with substantial autonomy under the command of an identified leader. They operate in several theatres, and sometimes engage in joint operations with the regular militaries. These groups are supplied, and often trained, by the governments they serve. Many of these Special Forces report solely to senior political officials. "Militias" consist of members of the former Territorial Defence Forces. They frequently operate jointly, in the geographic area from which they originate under the command of the regular army. "Paramilitary units" are forces under the command of a local leader. Their area of operation is often confined to the town or village from which the members were drawn, although they may occasionally operate alongside similar groups in other towns or villages. The "police augmented by armed civilians" are forces that operate within a given county 3/ under local, sometimes political, leadership. These forces frequently act with autonomy, although they are reported to be under the control of the Ministry of Interior or other political organizations. For purposes of this report, groups from these categories will be referred to generically as paramilitary groups, unless otherwise indicated.

5. This report attempts to identify the paramilitary organizations working

in support of all three warring factions in the former Yugoslavia. It also discusses how these groups operate in relation to the regular military command of the respective factions. Furthermore, this report discusses the reported activity of these groups.

6. This report begins with a discussion of the research methodology, and is followed by a brief discussion of the pre-conflict military defence doctrine of the former Yugoslavia. This doctrine, with its reliance on a decentralized command structure and locally-based weapons caches, provided fertile ground for the creation of paramilitary groups. This discussion is followed by a summary analysis of the data. Section II discusses the activity of six of the most prolific paramilitary organizations: the Green Berets and Mujahedin, working in support of the government of BiH; the HOS and troops under the command of Jusuf Prazina, working in support of the Croatian government; and those groups under the command of Vojislav Šešelj and Željko Ražnjatović (*nom de guerre* Arkan), working in support of the government of Serbia and the self-declared Serb Republics. Section III is a listing of the other identified paramilitary organizations containing all reported vital statistics, and Section IV discusses paramilitary activity by geographic location.

A. Methodology

7. This report is based on information contained in documents and audio and video tapes received by the Commission of Experts and the International Human Rights Law Institute (IHRLI), as well as on information gathered from searches of the NEXIS and FBIS media databases. All of the organizations referred to in paragraph 4 operated in substitution for, or supplementing, a regular military force. 4/ All documents and media reports in the possession of IHRLI were reviewed, and those containing allegations of paramilitary activity were analysed. A large number of these reports referred to paramilitary groups generically (i.e., Serbian paramilitaries or irregular forces). Although these reports were consulted, only those reports referring to a paramilitary organization by name (i.e., Tigers, Yellow Ants), or by specific leaders or group members (i.e., paramilitary forces under Dragan Ikanović), are included in the statistical data below.

8. Information sheets were created for each identified paramilitary organization containing the following information: name of unit, ethnicity, uniform, number of troops, place of origin, area(s) of operation, political affiliation, leader(s), alleged members, source of information, and the alleged activity. These information sheets were then used to compare information on the paramilitary groups in a standardized format.

9. This report is limited by the quality and quantity of the documents received by the Commission. In addition, the Commission was not able to verify much of the information that it received. Consequently, this report should not be considered all inclusive, though it is comprehensive. Subsequent investigation may identify additional paramilitary groups and facts that have not yet been discovered that may bear upon the information contained in this report.

B. Brief military history 5/

10. Stalin's expulsion of Yugoslavia from the Cominform led to fears of a Soviet invasion. These fears resulted in the development of a new military defence doctrine in the former Yugoslavia called "Total National Defence". 6/ This doctrine was designed to defeat a Soviet invasion by mobilizing all of the nation's cultural, societal, and military resources.

The Communist party apparatus was tightly integrated into the military scheme, with the military structures accommodating a "shadow" chain of command responsible to the Communist party.

11. Yugoslav military strategists realized national command, control, and communications facilities were vulnerable. Therefore, they decentralized the system of command and control. The governments of the various republics would participate with the federal government for regional defence.

12. This strategy required universal military service and coordinated training in guerilla warfare. This ensured that cadres of soldiers, trained in guerrilla warfare, would be available nationwide and capable of operating in a decentralized command fashion. Training facilities, weapons caches, and supply stores were placed throughout the country. The military also organized reserve units (Territorial Defence Forces) around workplaces to ensure the wide distribution of weapons.

13. Thus, with the breakup of the former Yugoslavia, trained soldiers were available for mobilization, and weapons and ammunition were also available for distribution to national and local political or military leaders and their followers. These leaders sometimes used these resources to further their own political, military, or personal goals. This, along with the other factors, led to the proliferation of paramilitaries throughout the republics of the former Yugoslavia.

C. Summary analysis

14. This study found that:

(a) There are at least 83 identified paramilitary groups operating in the territories of the former Yugoslavia: 56 are working in support of FRY and the self-declared Serbian Republics; 7/ 13 are working in support of the Republic of Croatia; and 14 are working in support of BiH;

(b) The number of paramilitary groups, and the size of each group, has varied throughout the course of the conflict. The number and size of the groups rise, for example, when the conflict intensifies. The reports received indicate only a rough approximation of paramilitary troop strength. The number of persons in paramilitary groups fighting in support of BiH range from 4,000 to 6,000; between 12,000 and 20,000 have supported the Republic of Croatia; and between 20,000 and 40,000 paramilitaries have fought on behalf of the self-declared Serb Republics; 8/

(c) In addition to the 83 paramilitary groups, there are groups which consist of persons who have been drawn essentially from outside the former Yugoslavia. Three groups specifically mentioned are the Mujahedin (operating with the BiH Army), the Garibaldi Unit (an Italian unit operating alongside the Croats), and Russian Mercenaries (operating in conjunction with the Serbs). There are also general reports of the presence of mercenaries from Denmark, Finland, Sweden, the United Kingdom, and the United States; 9/

(d) Paramilitary activity has been reported in 72 separate counties, 10/ but the vast majority has occurred in BiH. 11/

15. The first report of paramilitary activity occurred in April of 1991. However, Arkan and Vojislav Šešelj began forming paramilitary organizations as early as 1990. The first reported paramilitary operation involved Šešelj's troops in Vukovar County, Croatia. The most active period for Serb paramilitary activity in Croatia was in October of 1991. Those areas

reporting the greatest amount of paramilitary activity in Croatia were Knin, Podravska Slatina, and Vukovar.

16. There were no reports of paramilitary activity in BiH until early 1992. The first reports concerned paramilitary groups supported by Arkan and Šešelj. The activity in BiH was strongest in May and June of 1992 in the areas of Bijeljina, Bratunac, Brčko, Doboj, Foča, Konjic, Modriča, Prijedor, Sarajevo, Višegrad, and Zvornik.

17. Paramilitary groups working in support of FRY, or the self-proclaimed Serbian Republics, have operated in the territories of BiH, Croatia, and FRY. Those groups working in support of Croatia were reported to have operated in both BiH and Croatia, while those supporting BiH have not been involved in operations outside BiH territory. 12/

18. The vast majority of the paramilitaries acted locally, with their operations confined to a single county, or opština. 13/ They operated under the command of a local leader with local command and control. These groups would often coordinate their operations with regular forces or other paramilitaries. 14/ The local groups would then take control of the area after it had been secured.

19. The most active paramilitary groups operating throughout the area of conflict were the Serb groups under the command of Arkan and Šešelj. 15/

20. Reliance on, or tolerance of, paramilitary and special forces served several purposes for the military and political leaders of the respective republics. It clouded the issue of command and control, reduced the chances of being identified, and therefore permitted the greater use of illegal violence. Many of these groups, for example, did not wear uniforms or other conventional military badges or symbols.

21. Involvement of paramilitary groups in the commission of grave breaches of the Geneva Conventions and other violations of international humanitarian law is alleged in the vast majority of the reports in which paramilitary groups are mentioned. The most frequently reported violations are the killing of civilians, torture, rape, destruction of property, and looting. 16/ There is also a strong correlation between reports of paramilitary activity and reports of rape and sexual assault, detention facilities, and mass graves. These types of activities (i.e., paramilitary activity and grave breaches of the Geneva Conventions) tended to occur in the same counties 17/ and evidence the localized nature of the activity.

22. FRY, Croatia, and BiH used paramilitary forces. However, the disproportionate number of paramilitary and special forces of Serbian ethnicity indicates that the Serbs more heavily relied on the use of special forces to accomplish their military and strategic goals. Of 39 counties where Serb paramilitary activity was reported, Serb paramilitary units were operating in conjunction with the JNA in 24 of them. In comparison there were reports for five counties of joint operations between forces operating in support of Croatia, the Croatian Army (HV), and the Croatian Defence Council (HVO), 18/ and reports for only two counties of joint operations between the Army of BiH and forces operating in support of the Government of BiH.

23. The JNA was operating with the highest paramilitary activity in eight counties simultaneously: Bijeljina, Bratunac, Brčko, Doboj, Prijedor, Sarajevo, Višegrad, and Zvornik. Excluding Sarajevo, these counties are within the strategic arc the Serbs need to link all Serbian populations from BiH and Croatia within a contiguous Serbian state.

24. There is substantial evidence that Serbian government or military officials have coordinated, or at least have been aware of, the activities of the Serbian paramilitary or special forces:

(a) Serbian paramilitary units operating in Croatia have worn federal army uniforms and used JNA topographical maps; 19/

(b) There are reports of Serbian paramilitary groups or special forces entering a county at the invitation of local political leaders. In Prijedor, a Bosnian Serb government spokesman explained their use of Arkan: "He is very expensive, but also very efficient";

(c) In 36 of the 67 counties in which there were reports of Serbian paramilitary activity, there was a coordination of operations between two or more groups. In comparison, only six of the 17 counties had reported paramilitary activity in support of Croatia and five of the 11 counties had reported paramilitary activity in support of BiH;

(d) Fifteen of the 55 identified groups operated in more than one county, again suggesting a coordination of activity, compared to five Croatian and four working in support of BiH in more than one county.

D. General observations

25. While paramilitary groups have links to their respective governments, the nature of these links vary according to which agency furnishes funds, supplies, and military equipment to the group. Thus, Arkan is said to have strong links to Serbia's Ministry of Interior. The HOS in Croatia have links to political figures in that country, and the Green Berets have links to the Presidency of BiH. Control of the paramilitary groups is largely a function of the internal politics of the warring factions.

26. Members of ethnic and religious groups, such as Serbs, Croats, and Bosnian Muslims residing outside of the territory of the former Yugoslavia, have participated in the conflict as mercenaries. Some members of these groups, as well as persons of other nationalities, have been paid by the "warring faction" which they supported. 20/

27. In most cases, paramilitary groups have coordinated their activities with the armies of the "warring factions". The groups that have operated with the most independence are the HOS in Croatia and the Mujahedin in BiH. The smaller the group, the greater the tendency to operate outside of the army's control.

28. In many counties, Serbian special forces supported the work of local "crisis committees" when local militia or local police were unavailable. This further evidences the localized nature of most paramilitary activity. In some respects, it also reflects the doctrines of guerilla warfare inspired by Tito's World War II experience.

29. In BiH, Serb paramilitary activity was at its greatest level in the second half of 1992. During this period, immediately after the JNA was officially withdrawn, there was disorganization and confusion within the regular armed forces of the Bosnian Serb Army. This led to a lack of command and control, and it was during this period that the greatest number of violations by Serb paramilitary groups occurred.

30. Serb paramilitary members have been recruited largely from the population of persons between the ages of 18 to 30. This population of young

persons is more capable of violence and less susceptible to control than older age cohorts. Paramilitary members have also been recruited from prisons. It has been reported that persons convicted of violent offences were released to fight in BiH. The Army apparently had the first pick from among these offenders. The others served in paramilitary units.

31. Most of the paramilitary units sustained themselves through lootings, thefts, ransoms and trafficking in contraband. This is especially true of the groups associated with Arkan, as discussed below.

32. The largest number of violations were committed by Serb paramilitary groups fighting in BiH in support of the breakaway Serb Republic. This can be explained, in part, by the following: There are more Serb paramilitary groups than those fighting on behalf of the other warring factions; Serb paramilitary groups have more members than the other groups; Serb paramilitary groups have operated over a wider range of territory, thus they have been in contact with a larger number of potential victims; and the Serbs have pushed a policy of "ethnic cleansing" on a wider scale than the other groups.

II. MAJOR SPECIAL FORCES WORKING IN SUPPORT OF THE GOVERNMENTS OF BOSNIA AND HERZEGOVINA (BiH), CROATIA, FEDERAL REPUBLIC OF YUGOSLAVIA (FRY), AND THE SO-CALLED "BOSNIAN SERB REPUBLIC" AND "SERB REPUBLIC OF KRAJINA"

A. Introduction

33. As mentioned earlier, this study identifies 83 separate paramilitary forces operating in the former Yugoslavia. Six of these forces are discussed in greater detail below. These are the Green Berets and Mujahedin operating in support of the government of BiH, the HOS and Juka's Army 21/ operating in support of the Republic of Croatia, and the forces under the command of Arkan, 22/ and Šešelj, 23/ operating in support of FRY and the self-declared Serbian Republics in BiH and Croatia. These forces receive special attention because of the scope and significance of their military operations; their direct links to their respective governments and the regular militaries of those governments; the numerous allegations that these forces have committed "grave breaches" of the Geneva Conventions and other violations of international humanitarian law; and, in the case of Arkan and Šešelj, their political prominence.

B. Forces operating in support of BiH - the Green Berets and Mujahedin

1. The Green Berets

(a) Scope of military operations

34. Reports received by the Commission on the activities of BiH paramilitary units were essentially supplied by opposing warring factions. Their designations may not necessarily reflect those of the BiH paramilitary units. Thus, there is not a single unit called the Green Berets or the MOS, but several units which may have different names, but are identified as Green Berets or MOS. For example, the 7th Muslimanska Brigada is often referred to as MOS. It should also be noted that the Patriotic League was the political organization which organized cells of resistance fighters, many of whom had served in the JNA or seen action in Croatia in 1991. References hereinafter to the Green Berets does not, therefore, specifically identify the real BiH

name of the unit, if any.

35. Most paramilitary organizations working in support of the government of BiH are referred to by others as "Green Berets" or "MOS". It is important to note that several different paramilitary units wore green berets. Therefore, there was no one unit called the "Green Berets". However, the reports of the violations committed by units wearing green berets are combined here under one section. The units wearing green berets were reportedly active in at least 17 counties throughout BiH. 24/ They have often acted with the Muslim Territorial Defence (MTD), and at times with the Croatian Defence Forces (HOS), the Croatian Defence Council (HVO), other Muslim paramilitary groups, and local Bosnians. 25/ They were reported to be conducting operations against the JNA, Serbian military and paramilitary groups the Croatian Liberation Union, and in some instances the HVO. 26/ The total number of Green Berets troops is unknown. 27/

36. The Green Berets appear to be well-armed, 28/ yet there is no clear information indicating from where or whom they received their weapons. It has been reported that Turkey supplied the Green Berets. The Turkish Prime Minister, Suleyman Demirel, denied this during a meeting with then Prime Minister of FRY, Milan Panić. 29/

37. Most of the reported Green Beret activity occurred between April 1992 and June 1993, with the highest level of reported activity occurring between May and September of 1992. These activites were directed by the Patriotic League.

(b) Ties with the Government and regular military of BiH

38. The well-armed Green Berets often acted alongside regular army battalions and often conducted large-scale operations throughout the territory of BiH. This was in furtherance of the government's strategic goals, which implies the government was exerting some command and control over this group.

39. In the 21 October 1992 attack on Vitez, the Green Berets reportedly acted under the command of MTD and their commander Rasim Delić. It was reported that this attack was carried out under the orders of the MTD's Supreme headquarters in Sarajevo. 30/

40. It has also been reported that the units that wear the green berets are loyal to President Alija Izetbegović. Since 1993, the Green Berets are reported to be under the command and control of the BiH army. However, as stated before, several different units wore green berets. Therefore, there is not a single unit per se called the "Green Berets" under the control of the BiH army. Rather, there could be several different paramilitary groups wearing green berets under its control.

(c) Allegations of violations

41. Several reports allege that the Green Berets have committed grave breaches of the Geneva Conventions and other violations of international humanitarian law. The Green Berets have been implicated in the killing of civilians, rapes, the operation of prison camps (in which civilians were unlawfully detained and sometimes tortured or killed), the destruction of property, and interference with humanitarian aid.

(d) Summary of reported paramilitary activity 31/

42. Green Berets were highly active in military operations throughout BiH. Many reports indicate that in the second half of 1992, the Green Berets conducted joint operations with the HVO. In July 1992, both forces launched an offensive on the Dubrovnik-Trebinje front in the south-west section of BiH. 32/ In September 1992, the Green Berets and HVO attacked the villages of Dobrinja, Otočac, Rajlovac, Stup, Vogošća, Žuč, and all suburbs of Sarajevo. 33/ On 10 November 1992, the Green Berets and HVO forces unsuccessfully attempted to join in Gradacac due to the HVO's inability to break through Serbian lines. 34/

43. When conducting offensives against towns or villages, the Green Berets, in some instances, are reported to have targeted schools, residences, and local industries. 35/

44. In addition to military activity against other armed forces, there are also many instances in which Green Berets directed military action against innocent civilians. Five reports describe Green Berets as "picking up" Serb civilians for questioning about the location of Serb camps and weapons. 36/ Serbs were usually taken from their homes to camps or other detention facilities. Torture was often used in questioning. 37/ Those arrested were often kept in detention for unreasonably long periods of time after questioning.

45. There are three reports of women being picked up and taken to camps for the purpose of being raped. 38/ One report states that a young Serbian woman was arrested by two Green Berets and taken to Viktor Bubanj in Sarajevo where she was questioned and raped repeatedly. She only indicates that she was raped by "Muslim soldiers" and does not specifically indicate that the Green Berets were involved. 39/ Another report suggests that the Green Berets in the village of Dzepa converted a house into a rape camp in the months of July and August 1992. 40/ It was also reported that the Green Berets would rape women upon seizing a village. In Bradina, for example, 15 women were reportedly raped in a local school when the village was attacked in July 1992. 41/ Many of these incidents and others are described in Annex IX, Rape and Sexual Assault.

46. There are several reports of Green Berets killing Serb civilians. In some instances these civilians were killed during the attacks of villages and ambushes of transit caravans. 42/ Of particular note is an attack on Bradina on or near 25 May 1992. Eight hundred Green Berets from Hrasnica are reported to have acted with the HVO from Kosovo and Muslim villagers from the surrounding area in a large-scale attack on Bradina. 43/ It was reported that between 3,500 and 4,000 people took part in this attack. Fifty-seven Serb refugees who were in Bradina were killed and buried in the churchyard of an Orthodox Church. 44/ In other instances, Green Berets entered prison camps to take Serbs to be raped or killed. 45/ The most graphic killings are reported to have occurred at the Koševo Stadium in Sarajevo.

2. Mujahedin

(a) Introduction

47. Mujahedin, or "holy warriors", is a generic term for Muslim volunteers fighting in the former Yugoslavia. Many Mujahedin originate from Muslim countries outside the former Yugoslavia. It was reported that the Mujahedin began arriving in BiH as early as June 1992. 46/ Reports on the number of Mujahedin forces operating in BiH vary, but it is unlikely that the Mujahedin

forces have made a significant military contribution to the BiH Government's war effort. 47/ The Mujahedin forces came from several Muslim states and many of them were veterans of the Afghan war. 48/

48. The Mujahedin forces were reported to be under the command of the BiH Army. 49/ However, they frequently acted with independence and their presence is no longer welcomed. 50/ They are alleged to be terrorizing the Muslims they came to protect in an effort to enforce Islamic practices. 51/ Their presence, the Serbs and Croats have argued, is evidence that the Bosnian Muslims intend on turning BiH into a fundamentalist Muslim state. 52/

(b) Scope of military activity

49. Mujahedin forces were actively involved in military operations in seven counties throughout BiH. 53/ The dates of reported activity range from June 1992 through June 1993, with the heaviest activity reported in Travnik, Zenica, and Konjic.

(c) Ties with the Government and regular military of BiH

50. Several reports indicate that the Mujahedin were placed under the command of the BiH Army. 54/ The Mujahedin forces were closely associated with the 5th Corps, the 6th and 7th Zenica Brigades, the 7th Travnik Brigade, and the 45th Muslim Brigade which belongs to the 6th Corps in Konjic of the Army of BiH. 55/ They also allegedly fought alongside the Muslim Police, the Krajiška Brigade from Travnik, units of Kosovo Muslims, Albanian soldiers, and paramilitary groups such as the "Green Legion" and the "Black Swans". 56/

51. Reports also indicate that the Mujahedin had the support of President Izetbegović and his government. 57/ This was demonstrated in the Bihać pocket, where the Mujahedin joined BiH forces loyal to Izetbegović. Together, these forces battled separatist forces who entered into a separate peace treaty with Bosnian Serbs. 58/

(d) Allegations of war crimes

52. Reports submitted to the Commission of Experts alleged that the Mujahedin have been responsible for the mutilation and killing of civilians, rape, looting, the destruction of property, and the expulsion of non-Muslim populations. The deputy commander of the BiH Army, Colonel Stjepan Šiber, has said, "it was a mistake to let them [the Mujahedin] here . . . They commit most of the atrocities and work against the interests of the Muslim people. They have been killing, looting and stealing." 59/

(e) Summary of reported paramilitary activity 60/

53. In Zenica, between 31 August and 2 September 1992, 250 Mujahedin troops allegedly come to BiH from Turkey, Qatar, Bahrain and Iran. These troops worked alongside the Green Legion and HOS paramilitary groups stationed in Zenica. The Mujahedin allegedly also operated a camp at Arnauti. 61/ It was reported that a unit of the Mujahedin, called the "Guerilla", participated in the 16 April 1993 attack on Vitez and attempted to exchange 10 HVO hostages for foreign prisoners held in HVO prisons. 62/

54. The Croatian Ministry of Defence is reported to have provided information about an event occurring in June 1993 -- a joint BiH/Mujahedin unit reportedly attacked Travnik, allegedly forcing 4,000 Croatian civilians and military personnel out of the town. 63/ The Mujahedin allegedly fought alongside the 6th Muslim Brigade from Zenica and the Krajiška Brigade from Travnik. Witnesses stated that they saw Mujahedin operating in small patrols ahead of the approaching BiH troops. 64/

55. According to HVO intelligence, Mujahedin forces arrived in Travnik sometime before June 1993 and came from Algeria, Pakistan, Afghanistan and Iran. The Mujahedin trained at a camp at Mehurići, where they were allegedly financed and equipped by a man named Abdulah, the owner of the "Palma" video store in Travnik. 65/ Once in town, the Mujahedin were linked to the Seventh Brigade of the BiH Army, and were reportedly assembled into units of 10 to 15 men, and moved about on regular patrols. 66/ The Mujahedin created tension in Travnik in the days prior to the attack on 3 June. One witness stated that the Mujahedin directed their actions towards the HVO personnel in town. They allegedly demonstrated, shouted slogans and fired their rifles in the air. 67/

56. Mujahedin allegedly participated in the attack on Maljine in Novi Travnik on 8 June 1993, killing 20 to 30 HVO members and transporting Croatian women and children to the training centre at Mehurići. 68/

57. In Konjic, the Mujahedin were part of a 100 member force stationed at Liscioi and led by Haso Hakalović. The unit was assembled in February 1993 and included some Kosovo Muslims and members of the Black Swans from the Igman mountain region. 69/ Allegedly, Mujahedin troops killed and expelled villagers, and looted and burned homes, when they moved against the Jablanica-Konjic area. 70/ The Mujahedin troops and members of the Black Swans reportedly conducted occasional raids without members of BiH forces. 71/ Reportedly, the Mujahedin volunteers arrived in Konjic in small groups. It was reported that they were from Afghanistan and that they claimed to be students. They were allegedly armed with Hekleri automatic weapons and former JNA equipment. 72/ Some Mujahedin were reportedly former students with no military experience.

58. Mujahedin forces were present in Mostar since early June 1993. They were reportedly stationed in the Šantića neighbourhood on the Muslim/HVO front, where they manned bunkers, usually in groups of six or seven, armed with 7.62 millimetre semi-automatic weapons, machine-guns, and Zolja anti-tank weapons. They were billeted in a building they shared with the Muslim military police on the east bank of the Neretva River. The Mujahedin forces apparently left Mostar on 15 August. 73/

59. FRY reported that the Mujahedin began operations near Teslić in July and August of 1992. Troops from Saudi Arabia allegedly killed three Serbian Territorial Defence members and placed the victims' severed heads on poles near the "Tešanj turret". 74/ Beheadings of Serbs by Mujahedin forces have also been reported in other areas.

60. The Mujahedin were also alleged to be part of the forces that invaded the village of Trusina near Foča on 15 April 1993. According to the report, attackers wore white ribbons on their arms and fought beside Albanian Muslim troops. Twenty-two civilians reportedly died in the attack. 75/ The Mujahedin allegedly performed crude circumcisions upon Serbian police forces, who were later treated by an American surgeon at the Koševo hospital in Sarajevo. 76/

C. Paramilitaries operating in support of the Croatian Government

1. The Croatian Defence Forces (HOS)

(a) Introduction

61. Dobroslav Paraga formed the HOS in 1991 as theo paramilitary wing of the Croatian Party of Rights (HSP). The HOS fought Serbian rebels in Croatia and Bosnian Serb rebels throughout western BiH until August 1992. Under General Blaž Kraljević, the HOS established paramilitary headquarters at Ljubuški, BiH, but the HOS reportedly took orders from Zagreb. Local Croats and Muslims, Croatian emigres and foreign mercenaries all fought for the HOS. Muslim fighters reportedly joined the Croatian HOS because its leaders pledged to keep the territory of BiH intact. 77/ According to military analyst Dr. Milan Vego, Muslims made up 30 per cent of HOS forces and at least 50 per cent in the Mostar area in March 1992. 78/

62. The HOS reportedly wore black uniforms bearing the Croatian checkered shield, 79/ that were similar to those worn by the Ustaše of the Second World War. The HOS also were reported to use the Ustaše form of saluting. They carried Kalishnikov rifles, Scorpions, Uzis, shotguns, and daggers. 80/ They detained large numbers of Serbian civilians from Čapljina and Mostar counties at the Dretelj military facilities south-west of Sarajevo and in detention centres situated along the Dalmatian coast. Villages near Bradina and Donje Selo were reportedly targets of HOS ethnic cleansing operations. According to witness accounts, HOS units often operated alongside Muslim Green Berets, who fought in support of the government of BiH.

63. Because of its success in fighting Serb forces throughout the summer of 1992, the HOS gained many new members. However, HOS strength was undermined after General Blaž Kraljević was killed in early August 1992. In an effort to maintain unity, the HVO and the HOS signed an agreement on 23 August 1992, which officially linked the two forces under the banner of the HVO. 81/ By the early months of 1993 when relations between the Croatian and Muslim forces fighting in western BiH broke down, Muslim civilians and former HOS soldiers became a target of the HVO. As a result, camps like Dretelj, which released many of the Serbian inmates imprisoned by the HOS, began filling up with Muslim soldiers and civilians captured in fighting between Muslim forces and the HVO. 82/

(b) Scope of military activity

64. The HOS operated in Croatia and in Konjic, Mostar, Sarajevo, Bosanski Brod, Novi Travnik, and Zenica Counties in BiH. The HOS reportedly ran camps where civilians were tortured, raped and killed. Their detention facilities ranged from metal sheds in Čapljina to large camps like Dretelj in south-western BiH, where 500 prisoners were reportedly held.

(c) Ties with the Croatian Government and with the regular army

65. Formed as the paramilitary wing of the ultra-right HSP, the HOS reportedly trained soldiers at former JNA facilities in Slovenia 83/ and was supplied, in part, by the Republic of Croatia. 84/ There are also reports that HOS units served directly under the regular Croatian army. A Croatian military court tried HSP leader, Dobroslav Paraga, in 1993 for attempting to overthrow the Croatian Government. A Reuters report on the trial stated that the "majority of HOS units were proved to be under Croatian Army Command". 85/ After 1993, the HOS soldiers were integrated into the HVO.

(d) Allegations of war crimes

66. Witness statements, media accounts, and reports from FRY allege that HOS paramilitary units committed grave breaches of the Geneva Conventions and other violations of international humanitarian law in Croatia and in BiH. The HOS reportedly looted, destroyed Serbian property, including 24 Orthodox churches, and killed, raped, and mutilated civilians, including women and children. They also engaged in ethnic cleansing and operated detention facilities where civilians were starved and tortured.

(e) Summary of reported paramilitary activity 86/

67. Reports sent to the Commission of Experts allege that the HOS detained civilians, including women and children, in facilities in Croatia and in BiH. These prisoners were often killed or abused by members of the HOS. An officer, whose name is known but not disclosed for confidentiality and prosecutorial reasons, and other HOS members allegedly kept 40 women confined in a metal shed, which was a former munitions warehouse outside of Čapljina. 87/ An HOS unit and a Muslim paramilitary unit controlled the "Viktor Bubanj" detention facility in Sarajevo, where Serbian civilians were subjected to killing, torture, and rape. 88/ An identified HOS member allegedly interrogated prisoners at a secondary school (perhaps at Ahmići). 89/ A witness alleged that she was taken from her home in Čapljina to a tobacco factory where she was raped by members of the HOS. 90/ From April to October 1992, the HOS ran the Dretelj detention facility, which contained civilians from the Mostar and Čapljina municipalities. 91/ Victims stated that they were subjected to sexual torture, beaten with truncheons and sticks, burned with cigarettes and candles, and forced to drink urine and eat grass. 92/ One victim reported that she was held in a room with three other professional women for 10 days during which time women in the room were raped repeatedly. 93/

68. During the spring of 1992, the HOS and Muslim Green Berets reportedly burned two villages in southern BiH, Donje Selo, and Bradina, and sent the inhabitants to nearby detention facilities. Donje Selo was attacked first. Bradina was attacked on 25 May 1992. The HOS transferred women prisoners to Konjic Sports Hall, where some of the victims were raped. The men were taken to Čelebići camp. The HOS returned to Bradina on 13 July burned the town, and imprisoned all those who remained in an elementary school. Many civilians allegedly died in the attacks. 94/

69. The FRY Mission to the United Nations reported that two Serbian civilians were tortured for a month before being killed at an HOS detention facility at Ljubuški. One of the victims was impaled and burned to death and the other was killed with a knife. 95/

70. In Croatia, the HOS allegedly operated the Lora camp at Split and detention facilities at Tomislavgrad and Metković. All of these facilities reportedly held prisoners from the Čapljina municipality of BiH. 96/

71. Many witnesses alleged that the HOS killed civilians outside of the camps as well, often in the victims' homes or villages. In mid-1992, members of the HOS allegedly killed a man and his daughter outside the B. Lalić school in Novi Travnik. On 6 May 1992, in Majevije, BiH, members of the HOS allegedly stabbed a man over 100 times, severed his head, spilled his brains and intestines onto the ground, and cut off his genitals and placed them in his mouth. 97/

72. The HOS reportedly looted and stole from civilians throughout the

regions where they operated. Statements report forced entries into apartments and theft of valuables including money, jewelry, and documents. In Kakanj, the HOS reportedly confiscated and rented out apartments. 98/

73. HOS units allegedly destroyed property in BiH and in Croatia. 99/ During the summer of 1992, members of the HOS destroyed 24 Orthodox churches and two monasteries. 100/

2. Paramilitary forces under the command of Jusuf Prazina, alias "Juka"

(a) Introduction

74. According to The Daily Telegraph, Jusuf Prazina, alias Juka, was a racketeer and underworld figure in Sarajevo before hostilities broke out in April 1992. During the war, Juka and his troops are reported to have killed and raped civilians in Sarajevo and Mostar. He allegedly took hundreds of prisoners, looted houses, stole cars, and handed out Mostar apartments to the HVO. According to these reports, he never stopped racketeering; throughout the siege of Sarajevo, Juka reportedly controlled the black market, which included stolen United Nations humanitarian supplies. 101/

75. Juka, who was 30 years old in 1992, admitted being sent to jail five times before the war. He survived an armed assault outside the military hospital in Sarajevo in May of 1992, sustaining injuries which caused him to limp. 102/

76. Juka attained notoriety by using his weapons and small, private army to defend Sarajevo during the Serbian assault. His men were allegedly armed with sawed-off shotguns, Kalishnikovs, Kochs/Hecklers. 103/ Estimates of the number of men under Juka's command during his two year involvement in the conflict range from 24 to 3,000. His troops, called the "Wolves", reportedly wore crew-cuts, black jump-suits, sunglasses, basketball shoes, and sometimes masks. 104/

77. Juka joined forces with the HVO in early 1993. After the formal break between Bosnian Muslims and Croats later that spring, Juka sided with the Croats and fought alongside the HVO in Mostar, where he apparently led ethnic cleansing operations against Muslim civilians. Juka had already been forced off Mount Igman (near Sarajevo) and most of his men jailed in January 1993.

78. Juka reportedly flew from Sarajevo to Zagreb with the assistance of UNPROFOR and French Lieutenant General Philippe Morillon. 105/ He lived for a time in a villa on the Dalmatian coast, given to him by the Croatian authorities, and later moved to Liege, Belgium, where a small Yugoslav expatriate community resided. He was killed there by one of his body guards by two gunshots to the head on 3 December 1993. 106/

(b) Scope of military activity

79. Juka operated first with his own private army in Sarajevo, commanded up to 3,000 men as a BiH Army commander, and later led paramilitary forces in Mostar. In the fall of 1992, Juka reportedly set up a stronghold on Mount Igman from which he attacked soldiers and civilians. He also reportedly ran prison camps including the Viktor Bubanj military facilities and the heliport detention centre outside of Mostar. Many of the prisoners at both camps were reportedly malnourished, physically abused, and killed. Juka was defeated by Zuka in January 1993.

(c) Ties with the Croatian and BiH Governments and with the regular army

80. Due to his early success in defending Sarajevo, the BiH Government granted Juka a position as Head of Special Forces during the summer of 1992. 107/ Before his appointment to a regular army position, Juka and his men reportedly received arms through the HSP paramilitary organization, the HOS. 108/ In September, he reportedly fell out with the Sarajevo authorities over what he perceived as the failure of commander-in-chief Sefer Halilović's plans for defeating the attacking Serbian forces. 109/ He was asked to resign his position as part of the General Staff after an allegedly threatening confrontation with Alija Izetbegović at his offices in Sarajevo. 110/ His renegade activities involving his private army and his alarming attitude towards the BiH authorities ultimately led them to issue a warrant for his arrest in October 1992. 111/ By January 1993, a Sarajevo radio broadcast stated that Juka was being sought for "permanently working to break up the order and hierarchy in the armed forces of the Republic of BiH". 112/

81. After severing his ties to the BiH Government, Juka reportedly stationed himself and approximately 200 men on Mt. Igman overlooking the city of Sarajevo. On Mount Igman, Juka battled the BiH Army, attacking their headquarters and General Staff. According to The Daily Telegraph, much of the fall and winter witnessed battles between Juka and the BiH Government forces on the mountain. Command on Igman was reportedly split between the regular army and forces loyal to Juka, which included some Muslim soldiers and the HVO. In December 1992, the BiH Government, hoping to break the Serbian siege of the city, reportedly supplied the Mount Igman force with artillery and T-34, T-55, and Leopard-I tanks. 113/

82. After Juka joined forces with the HVO in Mostar, Croatian authorities reportedly supplied him with a villa on the Dalmatian coast where he stayed before relocating to Belgium during the fall of 1993. 114/

(d) Allegations of war crimes

83. Paramilitary forces operating under Juka reportedly operated in Sarajevo and Mostar counties, BiH. Media accounts, witness statements, and reports submitted to the Commission of Experts allege that Juka and his men ran detention facilities for Serbian civilians near Sarajevo and for Muslims at the heliport near Mostar. On Mount Igman, Juka's paramilitaries allegedly hijacked vehicles and detained civilians. Juka's forces reportedly practised extortion, looting, rape, ethnic cleansing, and killing of civilians.

(e) Summary of reported paramilitary activity 115/

84. It was reported that Juka's forces abused their position as the city's defenders to extort money and valuables from residents and raid the city's warehouses and shops. Witnesses stated that Juka's men appropriated apartments and abducted and abused civilians. 116/ One witness claimed that three members of Juka's army and a commander entered an apartment and raped a woman on 30 September 1992. According to the report, the woman died as a result of the attack. 117/ The Washington Post reported that Juka's army looted the Yugo Sport warehouse and stole 20,000 pairs of shoes. 118/

85. As head of the BiH Army's paramilitary units, Juka became the warden of a prison camp set up in the Viktor Bubanj army barracks. The detention

facility became known as "Viktor Bubanj", but was also called "Juka's Prison". Over 200 prisoners were held there and subjected to torture, hunger, and hard labour. The camp commander allegedly committed many criminal acts, including rape and murder. 119/

86. On Mount Igman, Juka beat and stole from soldiers and civilians alike regardless of nationality. He reportedly confiscated automobiles and, according to The Daily Telegraph, beat one fleeing civilian's head against the hood of a car. 120/

87. Juka and his men reportedly conducted ethnic cleansing operations in Mostar after joining forces with the HVO. Juka's forces evicted, imprisoned, physically abused, and killed many civilians. The London Times reported in May 1993, that Juka and his men drove out every Muslim civilian living in Mostar on the west bank of the Neretva river to "deny vantage points to snipers". 121/ Homes were looted and men were beaten up and arrested. 122/ Witnesses stated that sometime before 15 July 1993, Juka's forces allegedly evicted the wealthy Muslim residents of Mostar from their apartments, which were then looted and turned over to members of the HVO paramilitary formations. According to reports, Juka's forces were masked and heavily armed when they surrounded the apartments. They then blocked exits, fired their weapons in the air, and demanded that all Muslim residents evacuate the building. 123/ Witnesses stated that Juka and his men killed as many as 700 people in and around Mostar and that they ran detention facilities for Muslim civilians at the heliport outside the city. 124/

D. Paramilitary forces operating in support of FRY and the self-proclaimed Serb Republic in Croatia and BiH

1. Scope of military operations

88. Šešelj's and Arkan's troops were the most active of all the paramilitary groups identified. Šešelj's troops were reported to have operated in 34 counties 125/ and Arkan's troops in 28 counties throughout BiH, Croatia, and FRY. 126/ The vast majority of these counties are located within BiH. These counties lie within the strategic arc the Serbs need to control in order to link all Serbian populations in BiH, Croatia, and Serbia. 127/ Once linked, the counties could form a contiguous Serbian state.

89. Šešelj began organizing and arming his paramilitary forces in late 1990 and early 1991. The first reported activity of his troops was on 1 April 1991, six weeks before Stipe Mesić, a Croatian, was to become president of the collective head of state of the former Yugoslavia. Šešelj's operation took place in the Vukovar village of Borovo. His troops were sent to the region to protect local Serbs. They surrounded and attacked two local police patrols, injuring five policemen, one critically. 128/ In mid-July, Šešelj's Serbian Radical Party (SRS) announced its intention to form volunteer forces in the Krajina region of Croatia. 129/ In August 1991, in an interview with Der Spiegel, Šešelj said his troops were sent "from Belgrade to the crises areas" in Croatia and BiH. He stated, "If there are 20 to 30 Četniks in every village, this is sufficient to encourage the people there". 130/ Šešelj's troops were allegedly involved in the first paramilitary operations in BiH in April 1992.

90. Arkan's first reported involvement in the conflict came on 28 November 1990. Arkan was present at a meeting of the "council of war" of the Knin uprising. 131/ On the way back from the meeting, Arkan and his three companions were arrested in Dvor na Uni, Croatia. They had several weapons and bombs in their possession. Arkan was tried and convicted, but he was

released from prison pending appeal. 132/

91. It was not until October 1991, however, that Arkan formed the Serbian Volunteer Guard, later renamed the Tigers. 133/ Training centres were established in Tenja and Erdut, Croatia. 134/

92. When fighting began in Croatia, the Tigers were thought to have no more than 200 troops, but their regular strength was said to be only 60. 135/ Although Arkan had more recently claimed that his Tigers had as many as 8,000 men, independent military analysts estimated the number to be closer to 500 to 1,000. 136/ The Tigers are well-armed with tanks, mortars, sniper guns, AK-47 sub-machine-guns, and Scorpion sub-machine-guns. 137/

2. Ties with the Governments of FRY, the self-declared Serbian Republics, and the JNA

(a) Vojislav Šešelj

93. There is substantial evidence that Šešelj and his paramilitary formations have direct links to, or the support of, the Serbian governments and the JNA:

(a) Šešelj has stated that his paramilitary forces have received weapons from the JNA; 138/

(b) The JNA and Šešelj's troops operated in 14 counties simultaneously, suggesting that their operations were coordinated. Some of the reports indicated that they were conducting joint operations, while others alleged that the JNA permitted Šešelj's troops to attack without intervening;

(c) In the BiH county of Kalinovik, the presence of Šešelj's men was reportedly requested to restore order to the local troops by Commander Ratko Mladić;

(d) Šešelj has regularly transported plundered goods from BiH into Serbia, with the apparent permission of Serb authorities;

(e) In his parliamentary campaign in the fall of 1993, Šešelj indicated that the following members of the Milošević government were involved in paramilitary operations: Radmilo Bogdanović, Milošević's reputed second in command who was officially dropped as Serbian interior minister in 1991; Mihalj Kertes, a former Yugoslav deputy interior minister and now a Serbian minister without portfolio; Radovan Stojić, a deputy Serbian interior minister; and Franko Simatović, a senior Serbian secret police commander. Furthermore, Šešelj claimed that his men never acted outside the umbrella of the JNA and the Serbian police. 139/

(b) Arkan

94. Evidence of Arkan's ties with the governments of FRY and with the self-declared Serbian republics, as well as with the JNA, includes:

(a) Serbia's Defence Minister has stated that Arkan is protected by Interior Ministry officials; 140/

(b) Šešelj has stated that Arkan's Tigers were operating under the instructions of Yugoslavia's counterintelligence organization, 141/ a claim also made by Dragoslav Bokan, the leader of the White Eagles; 142/

(c) On 28 November 1990, Arkan was present at a planning meeting of the "council of war" of the Knin uprising. Milan Martić, then secretary of the secretariat for Internal Affairs and now President of the SAO Krajina, was also present at the meeting; 143/

(d) Arkan's forces and the JNA were operating simultaneously in 11 counties;

(e) In at least three counties, Bijeljina, Brčko, and Zvornik, in which the JNA and Serbian paramilitary groups acted together, Arkan was reported to be the leader of the operation. In the siege of Vukovar, Arkan stated that his men were under the command of the JNA;

(f) The "population exchange commission" in the BiH county of Bijeljina is headed by Major Vojkan Djurković. Major Djurković is a member of Arkan's forces;

(g) There are reports of Arkan's forces entering a county at the invitation of local political leaders. In Prijedor, a spokesman for the Bosnian Serb Government in explaining Arkan's involvement, stated: "He is very expensive, but also very efficient"; 144/

(h) In February 1993, in response to accusations that he was planning a coup d'etat in Krajina, Arkan stated that he had "been a special advisor to the president of the Republic of Serbian Krajina for a year now". 145/ Arkan's interference in the Krajina government prompted the commander of the headquarters of the Army of the Republic of Serbian Krajina, Mile Novaković, to issue an order for the withdrawal of Arkan's troops from the region; 146/

(i) Arkan, like Šešelj, reportedly has regularly transported plundered goods from BiH into Serbia, with apparent permission of Serb authorities;

(j) The Milošević government has allegedly given Arkan control of formally state-run gas stations because of his success in smuggling petroleum products. 147/

3. Political prominence

(a) Vojislav Šešelj 148/

95. In early 1991, Šešelj formed the SRS. Previously, he had been the leader of the Serbian Freedom Movement, was instrumental in the formation of the Serbian Renaissance Movement, and had finished fourth in the 1990 presidential election under the banner of his Serbian Četnik Movement. The Movement was banned after the election.

96. In June 1991, Šešelj was elected to the Serbian Assembly in a special election to fill a vacancy. Šešelj's campaign was said to be tacitly supported and funded by President Milošević. 149/ In the Federal elections on 31 May 1992, Šešelj and the SRS won 33 of the 138 seats in parliament, making it the largest opposition party. In the Serbian parliamentary elections held in December 1992, the SRS made an even stronger showing. To insure a majority in Parliament, Milošević's Socialist Party of Serbia (SPS) formed a coalition with Šešelj's SRS.

97. In late September 1993, Šešelj challenged Milošević's leadership by calling for a vote of no-confidence in the Serbian government led by Milošević's SPS. This action prompted President Milošević to dissolve the

Serbian parliament and to call for special elections in December 1993. During the campaign, the SPS attacked Šešelj, claiming he was involved in the commission of war crimes. Šešelj was also denied access to the state-run media, in contrast to the intense coverage he had received in previous elections. Šešelj and his SRS suffered a 44 per cent reduction in the number of seats they held in parliament in the December 1993 elections, however Šešelj was re-elected.

(b) Arkan 150/

98. Arkan entered the political arena during the 1992 Serbian elections. Along with three of his followers, Arkan sought election in Serbia's southern province of Kosovo, even though he had no known ties there. Arkan and his followers were elected deputies for the Serbian parliament in the 1992 elections. The elections were boycotted by the ethnic Albanians, who comprised 90 per cent of Kosovo's population.

99. Arkan formed a political party, the Party of Serbian Unity, before the special elections of December 1993. He was thought to have the backing of Milošević--who was no longer supporting Šešelj. 151/ Arkan reportedly spent three million US dollars on his campaign. However, despite the spending, the support of Milošević, and pre-election polls assuring that Arkan and the Party for Serbian Unity would win at least half the parliamentary seats in Kosovo, Arkan failed to win re-election and the Party for Serbian Unity failed to obtain any seats.

4. Allegations of war crimes

100. The forces of Šešelj and Arkan have been accused of committing some of the most serious violations of the Geneva Conventions and other international humanitarian law. Their operations in Brčko led then United States Secretary of State Lawrence Eagleburger to identify them as possible war criminals. Accusations that Arkan and Šešelj committed atrocities also emerged from within the former Yugoslavia. A month before the fall of Vukovar, in late 1991, an internal JNA memo identified Šešelj's and Arkan's forces as dangerous to "military morale" and stated that their "primary motive was not fighting against the enemy but robbery of private property and inhuman treatment of Croatian citizens". 152/

101. In the 1993 Serbian Parliamentary elections, Milošević, Šešelj and Arkan accused each other of committing war crimes. Milošević's SPS publicly attacked Šešelj, announcing that they considered him to be "the personification of violence and primitivity", that he contributed "to war crimes, abetting war profiteers and criminals", and that he was involved in "crimes committed by paramilitary groups against Moslem, Croat and Serb civilians". 153/ Government authorities arrested 40 members of the SRS on charges of murder, rape, kidnapping, and illegal arms possession. 154/ Šešelj responded by implicating members of the Milošević government in the paramilitary operations and by claiming that the government was attributing crimes committed by Arkan to him. 155/

102. In an overwhelming majority of the counties in which Šešelj's and Arkan's forces were operating, there are alleged killings of civilians, rapes, looting, destruction of property, and prison camps.

5. Summary of reported paramilitary activity 156/

103. As mentioned above, Šešelj's forces were reported to be operating in 34 counties and Arkan's forces in 28 counties throughout the territory of the former Yugoslavia. In many of these counties, Šešelj and Arkan exercised command over other forces operating in the area. These forces consisted of local paramilitary groups, and sometimes the JNA. 157/ In some counties, Šešelj's and Arkan's forces operated under the command of the JNA. 158/ At other times, they operated either independently or in conjunction with other paramilitary groups. The presence of Šešelj's and Arkan's forces was sometimes requested by local Serb authorities.

104. In the majority of the counties in which Šešelj and Arkan were operating, their forces, often in the company of the JNA or other paramilitary forces, would surround the village before entering it. In some instances, Šešelj and Arkan would speak to the local Serbs in the village to incite them and the other Serb forces. 159/ They would often warn the non-Serb residents before entering the village and request that they surrender their weapons. 160/ Because of the reputations of Arkan's and Šešelj's forces, these warnings often prompted non-Serb civilians to leave the village.

105. Upon entering a village, sometimes under the cover of shelling, particularly in those counties where they were operating simultaneously with the JNA, Šešelj's and Arkan's troops would begin their reign of terror. In an overwhelming majority of the counties in which Šešelj's and Arkan's troops were operating, there are allegations of killing of civilians, 161/ rape, 162/ looting, 163/ destruction of private or cultural property, 164/ and prison camps. 165/ In some instances specific individuals were targeted, such as prominent non-Serb leaders or intellectuals. 166/

106. After securing an area, Šešelj's and Arkan's troops would usually turn over control to a local paramilitary group or to local Serb leaders. 167/ In some instances, however, members of Arkan's and Šešelj's units remained and performed administrative functions. 168/

6. Personal histories of Vojislav Šešelj and Željko Ražnjatović

(a) Vojislav Šešelj

(i) Activities before the war

107. Vojislav Šešelj was born in 1950 in eastern Herzegovina. 169/ He grew up and attended college in the BiH capital of Sarajevo. 170/ Šešelj received a Ph.D. at the age of 26, after completing his doctoral thesis on Marxist justifications for war, making him the youngest Ph.D. in Yugoslavia. 171/ He spent one year teaching at the University of Michigan and then returned to Yugoslavia. 172/

108. After returning to Yugoslavia, Šešelj lectured in political science at Sarajevo University. 173/ On 22 May 1984, Šešelj was arrested after police searched his apartment and found an unpublished manuscript of an article criticizing Tito and the Communist Government. 174/ Šešelj was convicted of counterrevolutionary activities and sentenced to eight years in prison. 175/ After 22 months in prison, where he was allegedly beaten and tortured, Šešelj was released. 176/ According to his friends, Šešelj left prison emotionally disturbed as a result of this treatment. 177/ Šešelj settled in Belgrade, joined the leading Serb Nationalists, and began publishing nationalistic books. 178/ By 1990, he had lost the support of

his academic colleagues as he began carrying a gun and interrupting theatre performances he viewed as anti-Serb. 179/ At this time, he began his rise in the Serbian political arena.

(ii) Domestic political activity

109. In 1990, Šešelj became the leader of the Serbian Freedom Movement, one of 11 alternative movements and parties established in Serbia. 180/ In March of that year, Šešelj merged his Serbian Freedom Movement with a faction of the Serbian National Renaissance to form a new party led by Vuk Drašković, and known as the Serbian Renaissance Movement. 181/ This alliance lasted until June 1990, when Šešelj was expelled from the party for his extreme nationalistic views. 182/ Šešelj formed a new party, the Serbian National Renewal, within a week. 183/ His political party changed names again by the end of 1990. The Serbian National Renewal became the Serbian Četnik Movement. 184/

110. In December 1990, Šešelj ran for president of Serbia although imprisoned for recruiting volunteers in Knin. 185/ While his party had no more than 10,000 members, he received 100,000 votes and finished fourth. 186/ Before the election, the Belgrade government reportedly did not take Šešelj and his followers seriously. 187/ However, Šešelj's strong showing and his ultra-nationalist platform resulted in the banning of the Serbian Četnik Movement after the election. 188/ Šešelj went on to form the SRS.

111. By April 1991, Šešelj claimed that the SRS had at least 25,000 members, with about 80 city committees in Serbia as well as Baranja, Western Srem, Slavonia, BiH, Krajina, and Kosovo. 189/ SRS membership was growing rapidly in large part due to the almost daily party promotions and rallies. Oftentimes, they were attended by 3,000 to 5,000 participants. 190/

112. In June 1991, Šešelj was elected to the Serbian Assembly in a special election to fill a vacant seat from Rakovica, a working-class suburb of Belgrade. 191/ Šešelj's campaign was reported to be quietly supported and funded by Slobodan Milošević. 192/ Evidence of Milošević's support was the uncritical, prime-time coverage Šešelj received on the Milošević controlled, state-run television, which, for many Serbs, is the only source of information. 193/

113. As a member of parliament, Šešelj continued his attacks and threats against Albanians, Croatians, Muslims, and the West and became more popular. 194/ In the Federal elections held on 31 May 1992, Šešelj and the SRS won 33 of the 138 seats in parliament 195/ making it the largest opposition party. 196/

114. Šešelj and the SRS made an even stronger showing in the Serbian parliamentary elections held in December 1992. A few days before the election, Šešelj stated that the SRS had 100,000 members, but in the election the SRS received over a million votes. 197/ The SRS won nearly 30 per cent of the seats in parliament, twice what was expected. 198/ The SRS gains meant that Milošević would have to form a coalition with it to ensure a majority in parliament. 199/ Šešelj quickly used his political strength to force a no-confidence vote against the moderate Yugoslav Premier Milan Panić. 200/

115. The coalition between Milošević's ruling SPS and Šešelj's SRS thrived 201/ until early May 1993, when Milošević endorsed an international peace plan and seemed to abandon his support of the Bosnian

Serbs. 202/ The Bosnian Serb parliament rejected the plan prompting the Serbian government to cut off all but humanitarian aid to them. 203/ Šešelj, without naming Milošević personally, criticized the government for turning its back on fellow Serbs. 204/ Šešelj led 70 delegates out of the Serbian Parliament when a vote on the plan was scheduled, embarrassing Milošević. 205/ Though the plan was accepted, fewer than 200 of the 636 deputies eligible to vote were present. 206/ The plan was later rejected by the Bosnian Serb population in a referendum. 207/ The future of the SRS/SPS coalition was in doubt. 208/

116. In an attempt to mend the fences between himself and Šešelj, and possibly out of fear of losing control of the nationalist movement, Milošević engineered a vote to remove President Dobrica Ćosić from the Yugoslav Parliament. Ćosić had been criticized for abandoning the Serbian nationalist cause. 209/ Milošević relied on his alliance with Šešelj to defeat Ćosić. Šešelj had long been a prominent critic of Ćosić. 210/ The removal of Ćosić triggered a large anti-government demonstration in front of the Parliament building. 211/ The demonstration, led by Vuk Drašković of the Serbian Renewal Movement, turned violent after one of Šešelj's parliamentary deputies, an ex-boxer, punched an opposition deputy. 212/ Vuk Drašković and his wife were arrested and imprisoned for instigating the riot, and the Serbian Renewal Movement was banned. 213/ With the moderates, Ćosić and Drašković gone, and Milošević's withdrawal of support for the peace plan, Šešelj was clearly the second most powerful politician in Yugoslavia. 214/

117. In late September 1993, Šešelj called for a vote of no-confidence in the Serbian government led by Milošević's SPS. 215/ This action prompted Milošević to dissolve the Serbian Parliament and call for elections on 19 December 1993, rather than see his government embarrassed. 216/ The SPS then began their public attack on Šešelj, announcing that they considered him to be "the personification of violence and primitivity", that he contributed "to war crimes, abetting war profiteers and criminals", and that he was involved in "crimes committed by paramilitary groups against Moslem, Croat and Serb civilians". 217/ The authorities arrested 40 members of the Radical Party on charges of murder, rape, kidnapping and illegal arms possession. 218/ None of those detained, however, were charged with crimes that occurred outside the territory of the rump Yugoslavia. 219/

118. Šešelj responded to the charges regarding his paramilitary activities by alleging that Milošević's government was backing these activities. 220/ Šešelj said: "I have already expressed my readiness to go to the Hague and testify on war crimes, but I don't know how anyone can go to the Hague if Slobodan Milošević does not go". 221/ While denying any involvement in atrocities, Šešelj said his fighters were armed and supervised by Milošević's police. 222/

119. Šešelj indicated the involvement of the following individuals in Milošević's government: Radmilo Bogdanović, Milošević's reputed second in command officially dropped as Serbian Interior Minister in 1991; Mihalj Kertes, a former Yugoslav deputy interior minster and now a Serbian minister without portfolio; Radovan Stojčić, a deputy Serbian interior minister; and Franko Simatović, a senior Serbian secret police commander. 223/ Šešelj said that his troops never acted outside the umbrella of the JNA and the Serbian police. 224/ He said two other groups, the White Eagles and Arkan's Tigers, were also operating under the instructions of Yugoslavia's counterintelligence organization, 225/ a claim also made by Dragoslav Bokan, the leader of the White Eagles. 226/

120. Šešelj's counter-attacks on Milošević were not widely heard within

Serbia, since he was denied access to the state-run media, a situation in sharp contrast to the intense coverage he had received the year before. 227/ Furthermore, Šešelj and the SRS did not hold public meetings before the election because they did not want to create the opportunity for provocations or incidents that might lead authorities to ban the party. 228/ These factors resulted in a poor showing for Šešelj and the SRS in the 19 December 1993 elections. The SRS won 39 seats in the Serbian parliament, a 44 per cent reduction in the number they had held before parliament was dissolved. 229/ In turn, the SPS and Milošević increased their representation by 20 per cent. 230/

(iii) Šešelj's paramilitary troops

121. Tracing the command and control of particular military or paramilitary groups is generally difficult. The task of determining which units are under the control of Šešelj is difficult as well. Šešelj has both confirmed and denied the existence of particular paramilitaries under his control or the control of his party. 231/ The paramilitary groups most often associated with Šešelj are the White Eagles, Četniks 232/ and Šešeljovci, which are estimated to have a combined force of 8,000 men. 233/

122. The name "Četniks" was originally used by Serbian royalist units that fought to restore the Serbian-dominated monarchy after Nazi Germany invaded Yugoslavia in 1941. 234/ Šešelj's Četniks claim to be the heirs of the Četniks who fought in World War II, and Šešelj has proclaimed himself their Vojvoda (Duke). 235/ The command structure of the original "Četniks" was based on small, locally controlled units that were better suited for guerilla warfare. 236/ Šešelj, having written his master's thesis on the theory of guerrilla resistance, 237/ has followed this same pattern. 238/ The name White Eagles was originally used in World War II by the only orthodox anticommunist youth organization that existed at the time. 239/ Many youths were killed for allegedly being members. 240/

123. Šešelj's original White Eagles group was founded in late 1990 by the Serbian Renaissance Movement (SPO), which was the party he formed with Vuk Drašković. 241/ However, Šešelj left this party in June of 1990, and the current leader is Mirko Jović. 242/ These White Eagles are now under the command of a 30 year-old graduate student in Philosophy, Dragoslav Bokan. 243/

124. Šešelj has armed his troops in a variety of ways. 244/ Weapons have been given to his troops by people who have permits to carry them, 245/ and some guns and ammunition have been stolen from police stockpiles. 246/ Šešelj has said that his men bribed former communist officials to sell surplus arms, which were then smuggled across the Croatian border. 247/ He has also claimed to have purchased guns from Croats. 248/ The World War II vintage American Thompson gun was standard issue in mid-1991. 249/ Šešelj claims to have purchased these guns from a European arms dealer, but press reports claim their presence is circumstantial evidence of direct Serbian Government involvement. 250/ Šešelj acknowledges that the federal army has not opposed their efforts, however, he refuses to disclose that he might be receiving any support from Milošević and the Serbian army. 251/

(b) Željko Ražnjatović

(i) Activities before the war

125. Arkan was born on 17 April 1952 in Brežice, Slovenia. 252/ He was the fourth child of a retired air force colonel, and the only son. 253/ At the age of 14 or 15 he allegedly began to support himself through theft and burglary. 254/ At the age of 15, Arkan was incarcerated in a home for juvenile delinquents. 255/ After his release, he left Yugoslavia to travel abroad.

126. Arkan continued his criminal activities throughout Europe. He is wanted in several European countries for crimes ranging from robbery to murder. 256/ The Italian police seek Arkan in connection with the killing of a restaurant owner in 1974. 257/ He robbed banks in Stockholm and Göteborg, Sweden, leaving the bank tellers bouquets of roses. 258/ He was convicted of armed robbery in Belgium, the Netherlands, and Germany. In all cases, he escaped from prison. 259/

127. While travelling through Europe, Arkan also was alleged to be working for the Yugoslavian Federal Secretariat for Internal Affairs (SSUP). 260/ In the early 1980s, the SSUP carried out assassinations of nationalist organization members abroad. 261/ Arkan engaged in technical operations such as servicing agents and acting as a courier. 262/ He and Stane Dolanc, head of the SSUP, are repeatedly mentioned in connection with the 1983 murder of the former director of a Croatian oil company, who defected and began publishing books critical of Yugoslavia's Communist Government. 263/

128. When Arkan returned to Belgrade in the early 1980s, his ties to the SSUP remained strong, despite his continued criminal activity. When Belgrade police would arrest Arkan, they allegedly counted the minutes that went by until someone from the SSUP, often times Stane Dolanc, would intervene on his behalf. 264/ He was often seen wearing a white suit in casinos, disco clubs and night spots. 265/ He became a well-respected member of the Belgrade underworld, with a reputation for being a boss with a refined sense of justice. 266/ During this time, he also had a legitimate business in an ice cream and pastry shop located in a wealthy neighbourhood in Belgrade. 267/

129. Before the war, Arkan was most known in Belgrade as the leader of the city's Red Star soccer team fan club. 268/ On at least one occasion, Arkan offered the services of the fan club to Radmilo Bogdanović, a Serbian police minister, to disperse a crowd demonstrating against Milošević in June of 1990. 269/ The offer was accepted. 270/ It is thought that many of the members of his paramilitary group, the Tigers, are members of this club.

(ii) Activities during the war

a. Arrest in Croatia

130. Arkan's first reported active involvement in the conflict in the former Yugoslavia came as early as November of 1990, when he traveled to Knin for a meeting of the "council of war" of the Knin uprising. He was accompanied by the following individuals: Dušan Bandić, a retiree and Četnik commander from Belgrade; Zoran Stevanović, a construction technician from Belgrade; and Dušan Carić, an electrician from Unčani near Dvor na Uni. 271/ This meeting, held in a shack in the village of Golubić, was also attended by Mile Martić,

then the secretary of the SUP (Secretariat for Internal Affairs) of the Krajina SOA; Marko Dobrijević, then the secretary of the Serbian Democratic Party (SDS); and Nebojša-Nešo Mladinić and Dušan Orlović, active organizers of the uprising in the Knin Krajina. The parties discussed how Belgrade would help in organizing and arming the Serbs in Krajina, and specific assignments were given to individuals. On the way back to Belgrade after the meeting, Arkan and his three companions drove into Dvor na Uni after midnight on 29 November. They were allegedly trying to familiarize themselves with the layout of the town so that they could better plan its "liberation". They were stopped by police around 2:30 a.m. and arrested. There were a number of automatic weapons, pistols and bombs in the car. The four were convicted on 14 June 1991 after a 42 day trial. Arkan was sentenced to 20 months in prison, including the six months and 15 days already served. The judge then released all four of the defendants, pending appeal of the convictions. Arkan left Croatia and sent a message from Belgrade that stated, "You will never take me alive!" 272/

b. Breaking United Nations sanctions and other business ventures

131. Arkan not only gained notoriety through his leadership of the Tigers, but also through his business activities during the war. United Nations sanctions against Serbia resulted in unprecedented growth in the Belgrade underworld, in which Arkan is allegedly a leader. 273/ Arkan reportedly made millions of dollars on the Belgrade black market by selling looted goods from the territory his Tigers have captured. 274/ Arkan has also been successful in smuggling oil into Serbia. Reportedly, Milošević had agreed to turn over state-run gas stations to anyone who could get oil into Serbia. Arkan's success in smuggling oil has resulted in his ownership of several gas stations. 275/ It is estimated that for every tanker load of oil delivered in defiance of international sanctions, Arkan makes $30,000. 276/ In addition to his gas stations and previously mentioned ice cream parlor, Arkan was also reported to own a shopping centre, a detective agency, and a savings bank, all allegedly supported by smuggling operations. 277/ Arkan also promotes boxing matches, 278/ operates a protection racket in Belgrade, 279/ and a private prison used in kidnapping for ransom. 280/ There are reports that Arkan's gang is linked to Milošević's government and the local police. 281/

(iii) Domestic political activity

132. Arkan entered the political arena during the 1992 Serbian elections. Arkan, along with three of his followers, ran in Serbia's southern province of Kosovo, even though he had no known ties there. 282/ Although 90 per cent of Kosovo's population of two million are ethnic Albanians, Serbs have long considered the province as an integral part of their cultural heritage. It was here that the Serbs lost to the Turks in the 14th Century in the Battle of Kosovo Polje, 283/ a defining moment in Serbian history. It was at this battle site, on the 400th anniversary of the battle in 1989, that Slobodan Milošević first declared his policy of Serbian nationalism. 284/ It is feared that Kosovo will be the next major flashpoint in the conflict in the former Yugoslavia. 285/

133. Fueling concerns that "ethnic cleansing" was eminent in Kosovo during the 1992 campaign, Arkan delivered a speech, in the presence of Milošević, swearing that he was an enemy to Albanian infants. 286/ While campaigning, Arkan drove a car with license plates that said "Vukovar" as a reminder of his role in the attack on that city. 287/ His campaign

posters featured a picture of himself in a World War I Serbian uniform, complete with ceremonial sword. 288/

134. Arkan and his three followers were elected deputies of the Serbian parliament in the 1992 elections, which were boycotted by the Albanians. 289/ While a deputy in parliament, Arkan and his deputies always supported government policies. 290/

135. In late September 1993, the Serbian Radical Party, led by Vojislav Šešelj, called for a vote of no-confidence in the Milošević led government. 291/ To avoid embarrassment, Milošević dissolved the Serbian parliament and called for new elections to be held on 19 December 1993. 292/ It is reported that Arkan had advance knowledge of this and got a head start on his political opponents by forming a new political party, the Party of Serbian Unity. 293/

136. Arkan and his Party for Serbian Unity campaigned with zeal. He spent over three million dollars 294/ and held large campaign rallies, complete with Serbian folk singers and fireworks. 295/ In addition to the lavish campaign, Arkan was thought to have the backing of Milošević who was eager to fill the far right void created by his falling-out with Šešelj. 296/ During the campaign, Arkan and Šešelj traded accusations of responsibility for war crimes. 297/ Despite the spending, the reported support of Milošević, and pre-election polls assuring that Arkan and the Party for Serbian Unity would win at least half the parliamentary seats in Kosovo, 298/ Arkan failed to win a single seat. 299/

(iv) The Tigers

137. Arkan formed the Serbian Volunteer Guard, better known as the Tigers, on 11 October 1991, 300/ as a paramilitary group with no party affiliation. 301/ Training centres were established in Tenja and Erdut, Croatia. 302/ The camp in Erdut, on the grounds of a Croatian winery, is a few hundred yards from the UN headquarters. 303/ An UN official has reported that every morning at 7:30 a.m. the soldiers speed march around Erdut with weapons. 304/ The units contain some women, as well as boys 13 to 15 years old. 305/ On 25 March 1994, in a ceremony attended by both Milan Martić and Arkan, the Erdut training facility was turned over to the Serbian Republic of Krajina to serve as a training facility for its special units. 306/

138. When fighting began in Croatia, the Tigers were thought to have no more than 200 men, and their regular strength was thought to be only 60. 307/ Although Arkan has more recently claimed his Tigers have as many as 8,000 men, the number is thought to be closer to 500 to 1,000. The exact number is difficult to determine as regular soldiers sometimes wear Tiger uniforms. 308/

139. The Tigers are well-armed with tanks and mortars and were trained by Radovan Bazda and Arkan himself. 309/ The Tigers have been seen with new sniper guns, AK-47 submachine-guns, and Scorpion sub-machine-guns. 310/ The Tigers have worn three types of uniforms: camouflage, all blue, and all black. 311/

III. OTHER IDENTIFIED PARAMILITARY GROUPS 312/

A. Paramilitary groups operating in support of the Government of BiH

Name of Unit: Akrepi (Uglješ)

Ethnicity: Muslim

Uniform: N/A

Number of Troops: N/A

Origin: N/A

Area(s) of Operation: Konjic County, BiH

Political Affiliation: N/A

Leader(s): An identified man from Konjic, whose name is not disclosed for confidentiality and prosecutorial reasons

Alleged Members: N/A

Source(s): Submission of Permanent Mission of the Federal Republic of Yugoslavia to the Commission of Experts established pursuant to Security Council Resolution 780 (1992) (2 July 1993), Annex IV, A New Genocide Against Serbs in Konjic Area, Association of Serbs from BiH - Association of Serbs from Konjic, IHRLI Doc. No. 28401-29019, at 28799.

Letter dated 21 October 1993, from the Permanent Representative of Croatia to the United Nations Addressed to the President of the Security Council, U.N. Doc. S/26617 (23 October 1993), IHRLI Doc. No. 45732-45770, at 45763-45764.

Alleged Activity:

140. According to the Serbian Council Information Centre, the Akrepi killed 11 Serbs and burned 24 houses in the village of Blace on 15 May 1992. 313/

Name of Unit: Alija's Army

Ethnicity: Muslim

Uniform: N/A

Number of Troops: N/A

Origin: N/A

Area(s) of Operation: Konjic, Sarajevo and Livno Counties, BiH 314/

Political Affiliation: N/A

Leader(s): N/A

Alleged Members: N/A

Source(s): Federal Republic of Yugoslavia, Second Report Submitted to the Commission of Experts (1993), IHRLI Doc. No. 28401-29019, at 28661.

Federal Republic of Yugoslavia, Information on the Aggression of the Republic of Croatia (27 November 1992), IHRLI Doc. No. 3103-3156 and No. 5455-5470.

Alleged Activity:

141. Alija's Army members, along with Croatian Armed Forces (HOS), Croatian National Guardsmen (ZNG), and members of the Yellow Ants converged on Konjic on 26 April 1992. Upon arrival, the units allegedly established road blocks, set up machine-guns in nearby villages, murdered civilians and looted the villagers' homes. 315/

Name of Unit: Black Swans (alias Brigada Zuka, Zuk Brigade or Zuka's Commandos, the Zukini) 316/

Ethnicity: Muslim

Uniforms: Black clothing with a round unit patch on the sleeves. The patch depicts a black swan having intercourse with a supine woman. "Special Unit Army of BiH" is written in white lettering above the picture and underneath in black letters are the words, "Black Swans".

Number of Troops: At least 100

Origin: N/A

Area(s) of Operation: Igman, Jablanica, and Konjic Counties, BiH

Political Affiliation: N/A

Leader(s): Three identified people, whose names are not disclosed for confidentiality and prosecutorial reasons

Alleged Members: Five identified people, whose names are not disclosed for confidentiality and prosecutorial reasons 317/

Source(s): US Department of State, 1993, IHRLI Doc. No. 62613, 62629, 62756-62757.

Letter dated 21 October 1993, from the Permanent Representative of Croatia to the United Nations Addressed to the President of the Security Council, U.N. Doc. S/26617 (23 October 1993), IHRLI Doc. No. 45732-45770, at 45756, 45763-45764.

Alleged Activity:

142. The Black Swans allegedly committed most of the crimes against Bosnian Croats in the Konjic area. 318/ According to reports, the Black Swans arrived in the Konjic area on 1 April 1993. They reinforced Muslim troops, under commander Tulomović and were primarily deployed at the village of Handići, seven kilometres north-west of Konjic. 319/ In negotiations with the HVO, Tulomović denied that the Black Swans were under his control and blamed them for the criminal activity in the area.

143. The Black Swan force established at Handići, allegedly attacked the Croatian village of Čelopeci in early April 1993. The Black Swans reportedly burned three empty buildings and killed two elderly women and one elderly man, cutting off the man's arms and slitting his throat with a machete. Later, the Handići force was joined by Black Swans from Pokojište, who used four or five Croatian civilians as human shields during the attack on the village. At least 70 men 320/ comprised the attacking force. After the action, Muslim forces allegedly prevented Spanish UNPROFOR troops from investigating the activities at Čelopeci. 321/

144. Also in the Konjic region, the Black Swans and Mujahedin troops allegedly launched infantry attacks on the village of Vrci every four or five days and helped run the P.O.W. camp for HVO soldiers at Parsovići. 322/

145. According to a witness from Jablanica, more than 100 Black Swans and MOS forces attacked Doljani on 28 July 1993, the fiercest action in the hamlets of

Krkači, Stupari, and Kosna Luka. Allegedly, the attackers killed and mutilated 24 people, including some soldiers. The witness stated that the corpses' eyes were plucked out, their ears were cut, and their stomachs were slit open. 323/

Name of Unit: Bogdan Gagić's Formation

Ethnicity: N/A

Uniform: N/A

Number of Troops: Thirty-two

Origin: N/A

Area(s) of Operation: Benkovac County, Croatia

Political Affiliation: N/A

Leader(s): Bogdan Gagić

Alleged Members: N/A

Source(s): Report of the Republic of Croatia Pursuant to the United Nations Security Council Resolution 780 of 5 October 1992, IHRLI Doc. No. 2794-2984, at 2804.

Alleged Activity:

146. On 21 December 1991, Bogdan Gagić and the other 31 members of his formation killed nine Croatians and one Serbian in the village of Bruška, in Benkovac, Croatia. Other inhabitants were either killed, tortured or evicted. 324/

Name of Unit: Forces of Hasan Hakalović

Ethnicity: Muslim

Uniform: N/A

Number of Troops: N/A

Origin: N/A

Area(s) of Operation: Konjic County, BiH

Political Affiliation: N/A

Leader(s): Hasan Hakalović

Alleged Members: N/A

Source(s): Letter dated 21 October 1993, from the Permanent Representative of Croatia to the United Nations Addressed to the President of the Security Council, U.N. Doc. S/26617 (23 October 1993), IHRLI Doc. No. 45732-45770, at 45764.

Alleged Activity:

147. According to reports, the paramilitary forces of Hasan Hakalović executed two civilians, ages 60 and 75, in the village of Mrkosovice. 325/

Name of Unit: Hrasnica Forces

Ethnicity: Muslim

Uniform: N/A

Number of Troops: N/A

Origin: N/A

Area(s) of Operation: Konjic County, BiH

Political Affiliation: N/A

Leader(s): An identified man, whose name is not disclosed for confidentiality and prosecutorial reasons

Alleged Members: N/A

Source(s): Letter dated 21 October 1993, from the Permanent Representative of Croatia to the United Nations Addressed to the President of the Security Council, U.N. Doc. S/26617 (23 October 1993), IHRLI Doc. No. 45732-45770, at 45764, 45768. There is, however, no corroboration that this group exists.

Alleged Activity:

148. According to reports submitted to the Commission of Experts, during May 1993, in the village of Zaslivlje, the Hrasnica forces cut off the ears and noses of Zlatka Trlin, Joze Brvenik, and Ante Banovič. 326/

149. The Hrasnica forces allegedly desecrated churches, looted houses and mistreated Croats in the villages of Čelebići and Radešine. 327/

Name of Unit: Mecetove Bebe (Mecet's Babies)

Ethnicity: Muslim

Uniform: Bosnian army insignia

Number of Troops: N/A

Origin: Travnik, BiH

Area(s) of Operation: Travnik County, BiH

Political Affiliation: N/A

Leader(s): The leader's full name does not appear in the documents, but he is identified by nickname.

Alleged Members: N/A

Source(s): US Department of State, 1993, IHRLI Doc. No. 62612-62877, at 62620.

Alleged Activity:

150. The Mecetove Bebe allegedly carried out criminal activity, including theft and sabotage in the Travnik area. 328/

Name of Unit: MOS or Muslim Armed Forces.

Ethnicity: Muslim

Uniform: Scarves on their heads, olive fatigues, beards, and often green berets

Number of Troops: N/A

Origin: MOS stationed on the Vjetrenica mountain near Zenica were from Žepče. 329/ Other MOS were from Jablanica. 330/

Area(s) of Operation: Vitez, Zenica, Doljani, and Jablanica Counties, BiH.

Political Affiliation: N/A

Leader(s): An identified man, whose name is not disclosed for confidentiality and prosecutorial reasons. 331/

Alleged Members: N/A

Source(s): Charles McLeod, ECMM, Report on Inter-Ethnic Violence in Vitez, Busovača and Zenica (April 1993), IHRLI Doc. No. 51615-51703, at 51631, 51639, 51640, 51669.

Letter dated 21 October 1993, from the Permanent Representative of Croatia to the United Nations Addressed to the President of the Security Council, U.N. Doc. S/26617 (23 October 1993), IHRLI Doc. No. 45732-45770, at 45752.

ECMM, Facts on the Aggression of the Muslim Forces, (included in a report submitted to the Commission of Experts, author unknown), IHRLI Doc. No. 41225-41250.

Alleged Activity:

151. According to Croats fleeing villages in south-west BiH, 18 civilians were killed by the MOS in Stipića Meadow, near Borovac, on 28 July 1993. Witnesses stated that they were cut down by gunfire when crossing Stipića Meadow while fleeing from Borovac. 332/ The survivors said that they were taken to a small room nearby where they were detained with others, including one HVO soldier who had been shot in the chest. They were given nothing to eat and only water to drink for the day they spent in detention. The prisoners allegedly heard shooting before they pried the bars loose on the windows where they were held and escaped. One of the victims recognized the MOS forces, saying that they were from Jablanica. 333/

152. In the towns of central BiH, in the Vitez and Zenica municipalities, the MOS allegedly looted and burned homes and threatened Croat civilians. 334/ The MOS reportedly acted as police and arrested HVO personnel, who had been released earlier by the army of BiH.

Name of Unit: Mosque Doves (or Pigeons)

Ethnicity: Muslim and some Croatians.

Uniform: N/A

Number of Troops: 150

Origin: Zvornik, BiH

Area(s) of Operation: Zvornik County, BiH

Political Affiliation: N/A

Alleged Leader(s): N/A

Alleged Members: N/A

Source(s): Information Centre of the Democratic League of Kosova, Fighting in Bosna River Valley and Bosanska Posavina, IHRLI Doc. No. 47969-48071, at 48029-48031.

Alleged Activity:

153. Quoting Tanjug, the Democratic League of Kosova reports that in the second week of October 1992, a unit of Muslim fighters calling themselves the Mosque Doves attacked the villages of Pantići and Miloševići, approximately 20 kilometres from Zvornik. Tanjug reports differed as to the number of people killed in the attack. On 12 October, Tanjug reported that 50 villagers, mainly elderly civilians were killed in the attack. A day later Tanjug reported that the victims included 13 civilians and 23 members of Serb forces.

154. According to the reports, the Mosque Doves used "rifles from Hungary and Arabic countries", and included some Croatians and Muslims from the Zvornik area who were trained in the Croatian Adriatic town of Šibenik. The Doves allegedly knew their victims and called them by name. 335/

Name of Unit: Patriotic League

Ethnicity: Muslim

Uniform: The Patriotic League insignia contains Lilies.

Number of Troops: N/A

Origin: The members of the Patriotic League were the original wearers of the green berets. They were largely JNA officers of Muslim religion who prepared for the war once they saw that it was inevitable.

Area(s) of Operation: BiH

Political Affiliation: Patriotic League

Leader(s): An identified man, whose name is not disclosed for confidentiality and prosecutorial reasons

Alleged Members: N/A

Source(s): Croatian Information Centre, Weekly Bulletin, No. 5, 6 September 1993, IHRLI Doc. No. 35746-35751, at 035750.

Croatian Information Centre, A Written Statement, 3 October 1992, IHRLI Doc. No. 14576-14587, at 14581.

Alleged Activity:

155. One unconfirmed and unsubstantiated allegation has been made that members of the Patriotic League were active in Prijedor. 336/

156. The Patriotic League was also implicated in the 25 April 1993, attack on Zenica, in which civilians were killed and imprisoned. According to reports from the Croatian Information Centre, the Patriotic League acted in concert with several other military groups, including the MOS led by Commander Karalić, the BiH army, Third Corps, Brigade 314, and the Green League (or Legion) also known as the Zenica Hoodlums. 337/

Name of Unit: Paramilitary wing of the Party of Democratic Action (SDA or PDA).

Ethnicity: Muslim

Uniform: N/A

Number of Troops: N/A

Origin: N/A

Area(s) of Operation: Odžak County, BiH

Political Affiliation: Party of Democratic Action (SDA or PDA)

Leader(s): N/A

Alleged Members: N/A

Source(s): Federal Republic of Yugoslavia, Second Report Submitted to the Commission of Experts (6 April 1993), IHRLI Doc. No. 28401-29019, at 28817, 28952-28953, 28977.

Alleged Activity:

157. Paramilitary formations of the Party of Democratic Action (SDA), together with members of the Croatian Democratic Union (HDZ), allegedly perpetrated crimes against civilians in Odžak County. The reports include allegations of rape, murder of civilians, looting, detention, and forced labour. 338/

158. Allegedly, the SDA received military supplies from abroad, primarily from Croatia. Weapons dealers affiliated with the CDU and the SDA, centred in Odžak and Tarevci reportedly moved freely between Croatia and BiH. 339/

Name of Unit: White Pumas

Ethnicity: Muslim

Uniform: Brown battle fatigues

Number of Troops: N/A

Origin: Bihać, BiH

Area(s) of Operation: Bihać County, BiH

Political Affiliation: N/A

Leader(s): N/A

Alleged Members: N/A

Source(s): UNPROFOR Battle Command Kiseljak, Weekly Summary, December 1992, IHRLI Doc. No. 25661-25667, at 25663.

Alleged Activity:

159. Reporting on clashes in the Bihać pocket, between the Fifth BiH Corps and Krajina militia, United Nations Protection Forces (UNPROFOR) noted the presence of paramilitary units dressed in brown battle dress and assessed them as members of the Muslim organization, White Pumas. 340/

Name of Unit: Yellow Ants

Ethnicity: Muslim

Uniform: N/A

Number of Troops: N/A

Origin: N/A

Area(s) of Operation: Konjic County, BiH

Political Affiliation: N/A

Leader(s): N/A

Alleged Members: N/A

Source(s): Federal Republic of Yugoslavia, Information on the Aggression of the Republic of Croatia (27 November 1992), IHRLI Doc. No. 3103-3156 and No. 5455-5470.

Alleged Activity:

160. The Yellow Ants, along with HOS, Croatian National Guards (ZNG) and members of another paramilitary unit called Alija's Army, converged on Konjic on 26 April 1992. Upon arrival, the units allegedly established road blocks, set up machine-guns in nearby villages, murdered civilians, and looted the villagers' homes. 341/

Name of Unit: Zenica Hoodlums/Green League (or Legion)

Ethnicity: Muslim

Uniform: N/A

Number of Troops: N/A

Origin: N/A

Area(s) of Operation: Zenica County, BiH

Political Affiliation: N/A

Leader(s): An identified man, whose name is not disclosed for confidentiality and prosecutorial reasons

Alleged Members: N/A

Source(s): Charles McLeod, ECMM, Report on Inter-Ethnic Violence in Vitez, Busovača and Zenica (April 1993), IHRLI Doc. No. 51615-51703, at 51657.

Croatian Information Centre, Weekly Bulletin No. 5, 6 September 1993, IHRLI Doc. No. 35746-35751, at 35750.

Alleged Activity:

161. On the morning of 25 April 1993, Muslim forces attacked villages near Zenica. Some civilians were killed and others were taken to detention facilities at the former conservatory of music in Zenica. Several Muslim groups allegedly participated in the attack: the army of BiH, Third Corps, led by Enver Hadžihasanović; Brigade 314; The Green League, also called the Zenica Hoodlums; and members of the MOS led by commander Karalić. 342/

162. The Green Legion reportedly operated a prisoner of war camp in the nearby village of Bilimišće. 343/

B. Paramilitary groups working in support of the Government of Croatia

Name of Unit: Black Legion 344/

Ethnicity: Croatian

Uniform: Black, except for the words "Black Legion" in white letters

Number of Troops: N/A

Origin: Allegedly, the members of the Black Legion are expatriates who lived in Germany before the war.

Area(s) of Operation: Tomislavgrad and Odžak Counties, BiH

Political Affiliation: N/A

Leader(s): N/A

Alleged Members: N/A

Source(s): Inter-Agency Group of the Government of the Federal Republic of Yugoslavia, Violations of Human Rights of Women, 6 February 1993, IHRLI Doc. No. 22196-22226, at 22201-22203.

Serbian Council Information Centre, Rape and Sexual Abuse of Serb Women and Children, 15 January 1993, IHRLI Doc. No. 46176-46208, at 46203.

Alleged Activity:

163. Witness testimonies, reported by the Serbian Council Information Centre, name members of the Black Legion as jailers. Allegedly, the Black Legion took prisoners from Split and Kupres and held them in deplorable conditions at Tomislavgrad. Detained women said that they were kept in cellars with no toilets or beds. The witnesses described the members of the Black Legion as wearing black and riding in a black Mercedes. One witness quoted one of the guards as saying that he entered the war to "protect his Fatherland". 345/

164. One witness stated that the "Black Legion" or "Black Shirts" 346/ arrived at a prison camp in Odžak on 16 July 1993, and asked prisoners for gold or money. The witness reported that once she surrendered her money to the Black Legion, she was released. 347/

Name of Unit: Black Shirts

Ethnicity: Croatian

Uniform: N/A

Number of Troops: N/A

Origin: Virovitica County, Croatia

Area(s) of Operation: Grubišno Polje County, Croatia

Political Affiliation: Croatian National Guard (ZNG) 348/

Alleged Leader(s): An identified man, whose name is not disclosed for confidentiality and prosecutorial reasons

Alleged Members: N/A

Source(s): Serbian Council Information Centre, Report on Harassment and Ethnic Cleansing in Western Slavonia, 31 October 1992, IHRLI Doc. No. 46072-46106, at 46075-46080.

Alleged Activity:

165. According to witness testimonies reported by the Serbian Council Information Centre, Black Shirt troops from Virovitica arrived in Grubišno Polje on 13 August 1991, and proceeded to arrest and kill civilians, destroy property, and steal money and valuables from the villagers.

166. The Black Shirts allegedly began their activities in the area by blocking roads and setting up check-points. They also took over police duties and made arrests according to a previously compiled list. Allegedly, 124 people were arrested and held in the Grubišno Polje Hotel. Twenty well-respected men in the community, who were arrested according to the list, were later found dead. 349/

Name of Unit: Paramilitary forces of the Croatian Democratic Union (CDU)

Ethnicity: Croatian

Uniform: Black headbands and fingerless gloves

Number of Troops: N/A

Origin: N/A

Area(s) of Operation: Odžak, Novi Grad and Bosanski Brod Counties, BiH

Political Affiliation: Croatian Democratic Union (CDU)

Leader(s): N/A

Alleged Members: An identified man, whose name is not disclosed for confidentiality and prosecutorial reasons

Source(s): Federal Republic of Yugoslavia, Second Report Submitted to the Commission of Experts (1993), IHRLI Doc. No. 28401-29019, at 28800-28825 and 28945-29000.

Alleged Activity:

167. The Serbian Council Information Centre alleged that the CDU financed many paramilitary groups in Slavonia, and that the CDU paramilitary forces were responsible for shelling Donja Dubica on 18 April 1992. CDU forces allegedly killed, raped, and tortured prisoners. They also allegedly evicted Serbian villagers, looted, operated a prison camp called "Tulek" in Bosanski Brod, and used detainees for digging trenches, clearing minefields, and other war operations. 350/

Name of Unit: Paramilitary forces under Mile Dedaković

Ethnicity: Croatian

Uniform: N/A

Number of Troops: N/A

Origin: N/A

Area(s) of Operation: Vukovar County, Croatia

Political Affiliation: N/A

Leader(s): Mile Dedaković, alias "Jastreb" 351/

Alleged Members: N/A

Source(s): Submission from United Kingdom Mission to the United Nations to the Commission of Experts (14 January 1994), IHRLI Doc. No. 56149-56281, at 56202.

Alleged Activity:

168. The commander of this Croatian paramilitary unit is reported to have committed several violations. 352/

Name of Unit: Glavaš Unit or Paramilitary forces under Commander Glavaš 353/

Ethnicity: Croatian

Uniform: N/A

Number of Troops: N/A

Origin: N/A

Area(s) of Operation: Osijek County, Croatia

Political Affiliation: N/A

Leader(s): Glavaš allegedly lived outside of Croatia for many years, 354/ held several positions of authority in Osijek, including Mayor, and was a member of the extreme wing of the Croatian Democratic Community (HDZ). 355/

Alleged Members: N/A

Source(s): Submission from United Kingdom Mission to the United Nations to the Commission of Experts (14 January 1994), IHRLI Doc. No. 56149-56281, at 56202.

Mihajlo Crnobrnja, The Yugoslav Drama 170-71 (1994).

Michael Ignatieff, "Nasty, Brutish and Short: Where the Warlords Hold Sway from Behind the Wheel of a Cherokee Chief", Ottawa Citizen, 11 April 1993, at C1.

"Croatian Public Opinion 'Divided' on Return of Serbs Who Fled", BBC Summary of World Broadcasts, 27 February 1992, at EE/1315/C1/1.

Alleged Activity:

169. Glavaš was the reported leader of paramilitary formations in Osijek. He was responsible for criminal acts, including murder, which were intended to intimidate the ethnic Serbian community and force them to flee. 356/ By the fall of 1993, Glavaš was elected Mayor of Osijek 357/ after serving as the town council president. 358/ There are also reports of a number of violations, such as killings. 359/

Name of Unit: Hawks (Sokoli)

Ethnicity: Croatian

Uniform: N/A

Number of Troops: N/A

Origin: N/A

Area(s) of Operation: Sisak County, Croatia

Political Affiliation: The Hawks are affiliated with the Croatian Ministry of Internal Affairs. 360/

Leader(s): N/A

Alleged Members: N/A

Source(s): Federal Republic of Yugoslavia, Report submitted to the Commission of Experts (1992), IHRLI Doc. No. 48266-48301, at 48295.

Alleged Activity:

170. In Sisak during the first half of 1991, the Hawks allegedly destroyed a slaughterhouse and four shops owned by Dragan Novaković. 361/

Name of Unit: Horses of Fire (Vatreni Konji) 362/

Ethnicity: Croatian

Uniform: N/A

Number of Troops: Fifty-eight identified members. According to reports submitted to the Commission of Experts, members of the Horses of Fire were recruited from the 102nd Brigade of the Croatian Defence Council (HVO). 363/

Origin: Odžak County, BiH 364/

Area(s) of Operation: Odžak, Mostar, Bosanski Brod and Trebinje Counties, BiH 365/

Political Affiliation: Bosnian Croatian Defence Council (HVO) 366/

Leader(s): Four identified men, whose names are not disclosed, for confidentiality and prosecutorial reasons 367/

Alleged Members: Fifty-eight named people, whose names are not disclosed for confidentiality and prosecutorial reasons

Source(s): Federal Republic of Yugoslavia, Second Report Submitted to the Commission of Experts (1993), IHRLI Doc. No. 28401-29019, at 28539, 28602-28603, 28644, 28704-28705, 28708-28710, 28958-28962, 28965-28967, 28987-28992, 28997-289001, 29007, 29014.

UN Economic and Social Council Commission on Human Rights, Situation of Human Rights in the Territory of the former Yugoslavia (8 February 1993), IHRLI Doc. No. 12606-12649 at 12613-12614, 12630.

Alleged Activity:

171. The Horses of Fire were a special unit of the HVO, 368/ created from the HVO's 102nd Brigade. 369/ The founders of the Horses of Fire included four identified men, whose names are not disclosed for confidentiality and prosecutorial reasons. 370/ These individuals allegedly established concentration camps to house Serbs in the Odžak commune and illegally furnished arms to the Horses of Fire. 371/

172. The Horses of Fire are named repeatedly in reports to the Commission of Experts as perpetrators of ethnic cleansing against Serbian civilians. 372/ Allegedly, the Horses of Fire raped and killed Serbian civilians, and looted and destroyed Serbian property, including Serbian homes, and religious establishments. 373/ Odžak County, on the border of Croatia and BiH, was the target of such attacks between April and August 1992. 374/

173. Acording to a UN report, in June 1992, members of Horses of Fire locked 16 Serbian women and children inside a house in Novi Grad and set the house on fire. The survivors were forced to jump from windows. 375/ FRY reported that an elderly civilian was killed by the Horses of Fire on 15 July 1992. Reportedly, the victim lay sick in bed when a member of the paramilitary group beat him to death by striking him in the head and chest with a rock. 376/

174. Witness statements allege that the Horses of Fire frequently engaged in sexual assault and gang rape activities. 377/ Prior to defeat by the

Serbs in mid-July 1992, the Horses of Fire allegedly indulged in mass rape, and gang rape of Serbian girls and women. 378/ Witness reports contain relevant details which are not disclosed for confidentiality and prosecutorial reasons. One witness recalled how she was raped and abused in the middle of the night by six members of the Horses of Fire. 379/ In a similar case, 15 members of the Horses of Fire broke down the door of another witness's apartment where she resided with a relative. They were forcibly removed and taken to a location where they were raped by at least seven of their captors. The witness recognized the perpetrators as her neighbours. 380/

175. Witness statements also document an incident which occurred in early June 1992. One member of the Horses of Fire allegedly raped four women and brutally beat another, throwing her to the ground and stomping on her chest and stomach. 381/ Also in June 1992, the Horses of Fire Commander and several of his men allegedly participated in the rape of several women. 382/ In early June 1992, a woman was raped and forced to walk naked through her village. 383/ On the evening of 4 July, nine rapes were reportedly committed by the Horses of Fire. 384/

176. Another report alleged that in July 1992, a notorious criminal and member of the Horses of Fire raped a young girl. 385/ Allegedly, between 8 May and 15 July, several Serbian women from Odžak County were taken prisoner and raped. The women were detained in the village while men were taken to a camp. Reportedly, the Serbian men held at Odžak were forced to rape Serbian women who were brought to the camp. 386/

Name of Unit: The Jokers (Jokeri or Džokeri)

Ethnicity: Croatian

Uniform: Black uniforms 387/

Number of Troops: N/A

Origin: N/A

Area(s) of Operation: Vitez County, BiH

Political Affiliation: N/A

Leader(s): An identified man, whose name is not disclosed for confidentiality and prosecutorial reasons

Alleged Members: N/A

Source(s): Christopher Bellamy, "Bosnian Serbs Adjust to New Order", The Independent, 1 April 1994, at 10, available in LEXIS, News Library, Curnws File.

"Defence Minister Reports on Activities of Croatian Army Units in Bosnia", BBC Summary of World Broadcasts, 1 February 1994, available in LEXIS, News Library, Curnws File.

Catherine Toups, "Bosnia-Hercegovina: Preparing for the Day of Reckoning", Inter Press Service, 15 February 1994, available in LEXIS, News Library, Curnws File.

James O. Jackson, "No Rush to Judgement", Time, 27 June 1994, at 48-51.

Alleged Activity:

177. Bralo (Čičko) Miroslav allegedly commanded a special unit of Bosnian Croat soldiers called "The Jokers". 388/ The Bosnian War Crimes Commission suspects Miroslav himself of killing 20 people. 389/ In one account collected by the Bosnian Commission, a Muslim woman from the area alleged that she was raped repeatedly by Miroslav and other Bosnian Croat soldiers during the month that she was held captive. 390/

178. A resident of Ahmići, a village in Vitez county, reported that the Jokers shelled and occupied the village on 16 April 1993. The witness stated that after the Jokers arrived, a crowd of approximately 20 people, including Croatian neighbours, surrounded the witness' home and shot several of the witness' relatives. Time magazine reported that 107 Muslims died in Ahmići that day. 391/

179. Bosnian Defence Minister, Hamdo Hadžihasanović, identified the Jokers (džokeri) as one of the special units of the HVO which received training and support from the Croatian Army. 392/

180. A report in The Independent described a group known as the Jokeri as gangsters with "fascist inclinations". 393/ The Jokeri were allegedly responsible for attacks in violation of the cease-fire signed by Bosnia's Muslims and Croats in February 1994. 394/

Name of Unit: Knights

Ethnicity: Croatian

Uniform: N/A

Number of Troops: N/A

Origin: N/A

Area(s) of Operation: Vitez County, BiH

Political Affiliation: Occasional ties to the HVO

Leader(s): N/A

Alleged Members: N/A

Source(s): UNPROFOR, Weekly Summary, April 1993, IHRLI Doc. No. 25522-25527, at 25523.

Alleged Activity:

181. According to UNPROFOR personnel, the Croatian Knights paramilitary group set up a check-point approximately three kilometres north-west of Vitez where they detained a convoy of trucks for several days. Although the convoy was eventually returned, the action was apparently one of many designed to agitate the Muslim population and to inrease tension in the region.

182. HVO officials in Vitez said that the Knights were a renegade group which did not follow official military command. 395/

Name of Unit: Medići

Ethnicity: Croatian

Uniform: Police uniforms

Number of Troops: N/A

Origin: Travnik County, BiH

Area(s) of Operation: Travnik County, BiH

Political Affiliation: N/A

Leader(s): N/A

Alleged Members: N/A

Source(s): UNPROFOR, Weekly Summary, April 1993, IHRLI Doc. No. 25522-25527, at 25523.

Alleged Activity:

183. In talks with UNPROFOR personnel, the HVO said that a paramilitary formation called the "Medići" was responsible for the attacks, kidnappings, bombings and errant artillery fire which were perpetrated upon Muslims in and around Travnik in central BiH during the first weeks of April 1993. The HVO claimed that the Medići were not under military control. 396/

Name of Unit: Sombor Group

Ethnicity: Croatian

Uniform: N/A

Number of Troops: N/A

Origin: N/A

Area(s) of Operation: N/A

Political Affiliation: N/A

Leader(s): N/A

Alleged Members: N/A

Source(s): UNPROFOR, Weekly Summary, 7 December 1993, IHRLI Doc. No. 55366-55368, at 55366.

Alleged Activity:

184. UNPROFOR documents report that the "Sombor" group, allegedly a Croatian organization guilty of sabotage, are being detained in FRY. In December of 1993, the Yugoslav government was considering exchanging the Sombor group for Serbian prisoners of war who were being held in Croatia. 397/

Name of Unit: Croatian Tiger Forces, "Kiseljak Tigers" and "United to Death" 398/

Ethnicity: Croatian

Uniform: N/A

Number of Troops: N/A

Origin: Kiseljak, BiH

Area(s) of Operation: Mostar and Vareš Counties, BiH

Political Affiliation: Occasional ties to the HVO

Leader(s): N/A

Alleged Members: N/A

Source(s): ECMM, Report on Possible War Crimes, Submitted to the Commission of Experts, IHRLI Doc. No. 41151-41170, at 41159.

UNPROFOR, Press Release, 27 October 1993, IHRLI Doc. No. 43929-43930.

Alleged Activity:

185. The Tigers allegedly joined the HVO in Mostar on 1 June 1993. With the Tigers, arrived additional matériel, including 305 millimetre "Slavuj" guns and grenades manufactured at Slavonski Brod. 399/

186. UNPROFOR reports stated that "an HVO unit named 'Tigers from Kiseljak' or 'United to Death'" 400/ participated in the attack on the Muslim village of Stupni Do on 23 October 1993. In a press release dated 27 October 1993 (one day after the UNPROFOR forces were allowed access to the village), UNPROFOR related that the village was attacked by HVO forces and that all 52 houses in the village were burned, that civilians were killed, and that women may have been raped. 401/ Later reports stated that the attacking force contained 300-600 troops, and that 42 civilians were killed, including nine children. 402/

Name of Unit: Vjesta

Ethnicity: Croatian

Uniform: N/A

Number of Troops: N/A

Origin: N/A

Area(s) of Operation: Donji Rakić (County and Country unknown)

Political Affiliation: N/A

Leader(s): N/A

Alleged Members: N/A

Source(s): Interview with Cvijetin Maksimović (Karim Loutfi trans.), IHRLI Doc. No. 19947A-19947L, at 19947C.

Alleged Activity:

187. Cvijetin Maksimović alleged that he was captured by Croatian forces called "Vjesta" in May 1993. He said that he was held in a detention facility operated by the Vjesta at Donji Rakić. 403/

C. Paramilitary groups working in support of the Government of Serbia

Name of Unit: Fifth Kozara Brigade from Prijedor

Ethnicity: Serbian

Uniform: N/A

Number of Troops: N/A

Origin: Prijedor County, BiH

Area(s) of Operation: Sanski Most County, BiH

Political Affiliation: N/A

Leader(s): N/A

Alleged Members: N/A

Source(s): Croatian Information Centre, Weekly Bulletin, No. 4, IHRLI Doc. No. 34962-966, at 34965.

Alleged Activity:

188. According to the Croatian Information Centre, the Fifth Kozara Brigade is a paramilitary formation in the Banja Luka Corps of the Serbian Army. On 24-25 July 1992, the Fifth Kozara Brigade, the Sixth Krajina Brigade and local Serb paramilitaries attacked the Bosnian Croat villages of Stara Rijeka, Briševo, Raljaš and Čarakovo in the Ljubija region. Seventy-three Croatian civilians were killed during the attack by over 3,000 Serbs. 404/

Name of Unit: Sixth Krajina Brigade from Sanski Most

Ethnicity: Serbian

Uniform: N/A

Number of Troops: N/A

Origin: Sanksi Most County, BiH

Area(s) of Operation: Sanski Most County, BiH

Political Affiliation: N/A

Leader(s): N/A

Alleged Members: N/A

Source(s): Croatian Information Centre, Weekly Bulletin, No. 4, IHRLI Doc. No. 34962-34966, at 34965.

Alleged Activity:

189. According to the Croatian Information Centre, the Sixth Krajina Brigade is a paramilitary formation of the Banja Luka Corps in the Serbian Army. On 24-25 July 1992, the Sixth Krajina Brigade, along with the Fifth Kozara Brigade and local Serb paramilitaries, attacked the Croatian villages of Stara Rijeka, Briševo, Raljaš and Čarakovo in the Ljubija region of BiH. Over 3,000 Serbs participated in the attack, during which 73 Croatian civilians died. 405/

Name of Unit: Unit of Daruvar

Ethnicity: Serbian

Uniform: N/A

Number of Troops: N/A

Origin: N/A

Area(s) of Operation: Daruvar, Grubišno Polje, Pakrac, Virovitica, Podravska Slatina and Slavonska Požega Counties, Croatia

Political Affiliation: Serbian Democratic Party (SDS) of Slavonja and Baranja

Leader(s): N/A

Alleged Members: N/A

Source(s): Report of the Republic of Croatia Pursuant to the United Nations Security Council Resolution 780 of 5 October 1992, IHRLI Doc. No. 2794-2984, at 2804-2807.

Alleged Activity:

190. In June 1991, the JNA and the Serbian Democratic Party (SDS) for Slavonia and Baranja formed the XII Slavonian Shock Brigade for the area of Daruvar, Grubišno Polje, Pakrac, Virovitica, Podravska Slatina and Slavonska Požega. One formation of the brigade was the Unit of Daruvar, headquartered in Bijela. 406/

191. The Unit of Daruvar and members of their police units allegedly participated in the following attacks and incidents, often in concert with other Serbian paramilitary forces and JNA:

(a) On 19 June 1991, members of special forces for Bjelovar killed two policemen and wounded five in an attack near Sirac. 407/

(b) Three policemen--Robert Žilić, Miroslav Poljak, and Ivan Rončević, were killed in Daruvar on 20 June 1991. 408/

(c) An identified member and others kidnapped several policemen. 409/

(d) On 21 August 1991, the attack on Daruvar began. Nine mortar shells fell on the town and two policemen were wounded. 410/

(e) From 27 August to 16 September 1991, 10 people were killed and 20 wounded in mortar attacks by "Četniks" on Doljani, Daruvar and Sirač. 411/

(f) During 24-27 September 1991, Daruvar and Sirač were mortared. One person was killed and seven wounded. 412/

(g) On 6 October 1991, "Četniks" shelled Daruvar. One member of the Croatian Army was killed and five persons were seriously wounded. 413/

(h) "Četniks" shelled Daruvar and Sirač on 10 October 1991. 414/

(i) On 9 November 1991, "Četniks" fired mortar shells on Sirač and Šuplja Lipa. Two persons were killed and three wounded. 415/

(j) Two persons were killed and two wounded during shelling of Daruvar, Sirač, Šuplja Lipa and Koncanica on 11 November 1991. 416/

(k) On 12 November 1991, one person was killed and eight wounded in shelling of Daruvar. 417/

(i) During "Četnik" shelling of Sirač during 15-20 December 1991, five people were killed and 41 wounded. 418/

Name of Unit: XII Slavonian Shock Brigade

Ethnicity: Serbian

Uniform: N/A

Number of Troops: N/A

Origin: N/A

Area(s) of Operation: Pakrac, Podravska Slatina Counties, Croatia

Political Affiliation: N/A

Leader(s): N/A

Alleged Members: Sixteen identified men, whose names are not disclosed for confidentiality and prosecutorial reasons

Source(s): Report of the Republic of Croatia Pursuant to the United Nations Security Council Resolution 780 of 5 October 1992, IHRLI Doc. No. 2794-2984.

Alleged Activity:

192. In June 1991, the JNA and the Serbian Democratic Party (SDS) in Slavonia and Baranja formed the XII Slavonian Shock Brigade. 419/ Units of the Brigade include the Unit of Daruvar 420/ and the Bilogorian Order. 421/

193. On 19 August 1991, 39 members of the XII Slavonian brigade attacked Pakrac, Lipik and Prekopakra. An unspecified number of Croatian civilians were killed, evicted, or imprisoned in the camp at Bućje. Croatian property was stolen or destroyed. 422/

194. Between 13 August and 31 October 1991, 61 members of the XII Slavonian Shock Brigade allegedly participated in the following actions:

(a) On 28 August 1991, two identified members of the group and a group of unidentified perpetrators kidnapped a man from G. Kovačića. The next day, nine identified members of this group and others kidnapped two people. 423/ The names of the perpetrators are not disclosed for confidentiality and prosecutorial reasons;

(b) On 29 August 1991, four identified members of the group confiscated a villager's car and gun. 424/ The names of the perpetrators are not disclosed for confidentiality and prosecutorial reasons;

(c) An identified member of the group fired an automatic weapon at a private home in late August 1991 and murdered a man in September 1991. 425/ The name of the perpetrator is not disclosed for confidentiality and prosecutorial reasons;

(d) On 16 September 1991, members from Grdjevac, Šibenik, Gremusina, and other villages launched a mortar and artillery attack on Veliki Grdjevac; 426/

(e) On 18-19 September 1991, members of the brigade kidnapped nine men; 427/

(f) On 18 September 1991, members of the brigade from G. Kovačića launched a mortar and infantry attack on Veliki Grdjevac; 428/

(g) On 13 October 1991, members of the brigade kidnapped three men from Veliki Grdjevac; 429/

(h) On 14 October 1991, a mortar attack was launched on Veliki Grdjevac. 430/

195. The XII Slavonian Shock Brigade allegedly attacked the following villages with mortars, tank grenades, and rocket launchers during the months of October to December 1991: Četekovac, Golenić, Hum, Ivanbrijeg, Lisičine Mačkovac, Mikleuš, Podravska Slatina 431/

Name: Adolf

Ethnicity: Serbian

Uniform: Uniform of a Militia (police) reservist

Number of Troops: N/A

Origin: Bjeljina County, BiH

Area(s) of Operation: Brčko County, BiH

Political Affiliation: N/A

Leader(s): An identified man, whose name is not disclosed for confidentiality and prosecutorial reasons

Alleged Members: This is a one man unit.

Source(s): BBC Breakfast News, IHRLI Doc. No. 39139 at No. 39140-39141

Alleged Activity:

196. An identified member of this group reportedly killed 150 unarmed Muslim and Croat civilians in early May 1992, in Brčko. According to the witness, Adolf found these civilians on the streets, briefly interrogated them, and made them form a line in front of the Old Hotel near the centre of Brčko. He then shot them one by one, with a Scorpion automatic pistol fitted with a silencer. 432/

197. During the time of the initial killings, the police from Bijeljina and the local Serbian police operated in Brčko. The leader of the group worked with neither and was only being helped by a few reservists from Bijeljina. Yet, many people thought that he and the others had special permission to do the killing.

198. Those killed by the group are buried in mass graves in Brčko. 433/ Others killed were reportedly thrown into the Sava River.

199. Adolf allegedly participated in killings at the Brčko-Luka camp. 434/ However, because Adolf was not formally affiliated with the JNA, the Commander of Serb forces at the camp insisted that Adolf leave Brčko-Luka. Reportedly, Adolf then returned to Bijeljina.

200. Other identifying information is available, but not disclosed for confidentiality and prosecutorial reasons. 435/

Name of Unit: Antićevci

Ethnicity: Serbian

Uniform: N/A

Number of Troops: N/A

Origin: N/A

Area(s) of Operation: Zvornik County, BiH

Political Affiliation: N/A

Leader(s): N/A

Alleged Members: N/A

Source(s): Ludwig Boltzmann Institute of Human Rights, "Report on 'Ethnic Cleansing Operations' in the North-Eastern Bosnian City of Zvornik", 6 April 1994, IHRLI Doc. No. 63984-64023, at 63996.

Alleged Activity:

201. According to the Ludwig Boltzmann Institute of Human Rights, the Antićevci participated in the Serbian attack on Zvornik which began on 26 April 1992. Allegedly, the Antićevci attacked Zvornik alongside Territorial Defence units, Arkanovci, Šešeljovci, Draganovci, White Eagles, Dušan Silni, Vukovarci, and other smaller units. According to the report, the Antićevci carried only light arms, but are accused of perpetrating the assault in the district of Srpska Varoš in which an entire village was killed on 15 April. 436/

Name of Unit: Armada Forces

Ethnicity: Serbian

Uniform: N/A

Number of Troops: N/A

Origin: Banja Luka County, BiH

Area(s) of Operation: Teslić County, BiH

Political Affiliation: N/A

Leader(s): N/A

Alleged Members: N/A

Source(s): Zdravko Grebo, Report Sent to Tadeusz Mazowiecki, 19 November 1992, IHRLI Doc. No. 49183-49201, at 49197.

Alleged Activity:

202. According to Zdravko Grebo, a professor at Sarajevo University, the Armada Forces "terrorized" Muslim prisoners from Banja Luka. Reportedly, the Armada Forces came to Teslić to perform "ethnic cleansing" operations there. Serbian Militia and Red Berets also operated in Teslić. 437/

Name of Unit: Bilogora Unit (Bilogorski Odred)

Ethnicity: Serbian

Uniform: N/A

Number of Troops: N/A

Origin: N/A

Area(s) of Operation: Grubišno Polje, Daruvar, Pakrac, Virovitica, Podravska Slatina and Slavonska Požega Counties, Croatia

Political Affiliation: Serbian Democratic Party (SDS) of Slavonia and Baranja

Leader(s): N/A

Alleged Members: An identified man, whose name is not disclosed for confidentiality and prosecutorial reasons.

Source(s): Report of Republic of Croatia Pursuant to the United Nations Security Council Resolution 780 of 5 October 1992, IHRLI Doc. No. 002794-2984.

Alleged Activity:

203. In June 1991, the JNA and the Serbian Democratic Party (SDS) for Slavonia and Baranja formed the XII Slavonian Shock Brigade for the area of Grubišno Polje, Daruvar, Pakrac, Virovitica, Podravska Slatina and Slavonska Požega. The Bilogorski Odred was formed as part of this Brigade, and allegedly took part in the following attacks, in concert with JNA and "Četnik" forces:

(a) On 17 August 1991, the centre of Grubišno Polje was attacked. An unspecified number of people were wounded. 438/

(b) On 21 August 1991, infantry attacked Ivanovo Selo. One person was wounded and a policeman was kidnapped. 439/

(c) On 1 September 1991, the Croatian Army strongholds in Gornja Rašenica were attacked with mortars and infantry. 440/

(d) On 13 September 1991, two members of the Croatian Army were wounded in an infantry attack on Grubišno Polje. 441/

(e) On 15 September 1991, the village of Munije was attacked. The non-Serbian population was mistreated and a few Croatians were captured. 442/

(f) On 21 September 1991, 27 members of the Bilogora Unit carried out an infantry and mortar attack on Ivanovo Selo, in the Grubišno Polje municipality. Seven people were killed and nine wounded. 443/

(g) On 6-7 October 1991, "Četniks" attacked Grubišno Polje with mortars and infantry. 444/

(h) On 15 October 1991, two people were killed on during a mortar attack on Ivanovo Selo. 445/

Name of Unit: Paramilitary forces from Borovo Naselje

Ethnicity: Serbian

Uniform: N/A

Number of Troops: N/A

Origin: Vukovar County, Croatia.

Area(s) of Operation: Vukovar County, Croatia

Political Affiliation: N/A

Leader(s): N/A

Alleged Members: An identified man, whose name is not disclosed for confidentiality and prosecutorial reasons 446/

Source(s): Croatian Information Centre, Weekly Bulletin, No. 15, 15 November 1993, IHRLI Doc. no. 47021-24 at 47023.

Alleged Activity:

204. On 8 October 1991, a group of civilians were reportedly imprisoned in Borovo Naselje, near Vukovar, when they attempted to extinguish a fire at the "Komerc" building. A paramilitary group from the town allegedly captured and then transported the civilians in JNA vehicles to the Stajićevo prison camp in Serbia. The prisoners were abused during the ride to Stajićevo by four members of the paramilitary unit. A witness also described Stajićevo camp as holding 6,500 persons from Vukovar, Borovo Naselje and Mikluševci, Croatia, and said that many of the prisoners were women. At least one local member of the group was identified by a local witness. 447/

Name of Unit: Forces of Miroslav Deronjić

Ethnicity: Serbian

Uniform: N/A

Number of Troops: N/A

Origin: N/A

Area(s) of Operation: Bratunac County, BiH

Political Affiliation: Serbian Democratic Party (SDS)

Leader(s): Miroslav Deronjić

Alleged Members: N/A

Source(s): US Department of State, 1993, IHRLI Doc. No. 56320-57229, at 56909.

Alleged Activity:

205. On 23 May 1992, local paramilitary forces, commanded by Miroslav Deronjić, killed 70 Muslims in front of the mosque in the village of Glogova in Bratunac County. Deronjić, alias "Momo-Penzica", was President of the Serbian Democratic Party (SDS) in Bratunac. 448/

Name of Unit: Captain Dragan units

Ethnicity: Serbian

Uniform: Captain Dragan reportedly wore a Red Beret, featuring the Serbian cross and the four cyrillic S's, and olive fatigues, with no insignia except for a metal plate on the shoulder bearing the name "Captain Dragan".

Number of Troops: As many as 1,000

Origin: Dragan's special forces consist of 1,000 soldiers of the "Republic of Serbian Krajina" and some volunteers from countries outside the Former Yugoslavia.

Area(s) of Operation: Vukovar, Zadar, and Knin Counties, Croatia; and Brčko, Zvornik, and Zavidovići Counties, BiH 449/

Political Affiliation: N/A

Alleged Leader(s): Captain Dragan Vasiljković or Daniel Sneden. 450/ Dragan is allegedly an Australian citizen who was born in Belgrade. He was a military advisor in both Tanzania and Angola, and, as a result, when speaking English, his accent is more South African than Australian. He reportedly arrived in Knin, Croatia, in 1990, returned to Belgrade in 1991, and left Krajina sometime in 1992. He later returned to Krajina to operate a training camp for special forces volunteers. 451/ Dragan also reportedly led paramilitary groups called the Knindže and the Red Berets. 452/

Alleged Members: Four identified men, whose names are not disclosed for confidentiality and prosecutorial reasons.

Source(s): Geoffrey Lee Martin, "Serb Rebel Has Record in Australia", The Daily Telegraph, 13 August 1991, at 8.

Croatian Information Centre, Weekly Bulletin, No. 4, 30 August 1993, IHRLI Doc. No. 34962-34966, at 34963.

United Nations Military Information Branch, Who's Who in Former Yugoslavia, No. 1, 1 February 1994, IHRLI Doc. No. 62101-62173, at 62141.

"Krajina Interior Minister Says Croats Preparing to Launch Attack", BBC Summary of World Broadcasts, 13 August 1991, at Eastern Europe.

Rob Krott, "Yank Pulls Three Combat Tours With Četniks", Soldier of Fortune, April 1994, at 49-50.

Croatian Information Centre, Weekly Bulletin, No. 14, 8 November 1993, IHRLI Doc. No. 47017-47023, at 47018.

US Department of State, 1993, IHRLI Doc. No. 56320-56879, at 56615 and 56995.

Croatian Information Centre, A Written Statement, IHRLI Doc. No. 36396-36402, at 36397.

Report submitted by the Republic of Croatia to the U.N. Security Council, War Crimes and Grave Breaches of Geneva Conventions Committed by Serbian Paramilitary Forces in United Nations Protected Areas (UNPAs) in the Republic of Croatia, 6 September 1993, IHRLI Doc. No. 42883-42918, at 42890.

Ludwig Boltzmann Institute of Human Rights, Report on 'Ethnic Cleansing Operations' in the North-Eastern Bosnian City of Zvornik, 6 April 1994, IHRLI Doc. No. 63984-64023, at 63996.

Alleged Activity:

206. According to the UN, Captain Dragan led a force called the Knindže from Knin, Croatia, on raids in Croatia in 1990. He also participated in operations in Vukovar with other paramilitary formations, including those commanded by Arkan and Šešelj. In February 1993, having gained celebrity status in Krajina and in Belgrade, Captain Dragan was appointed to head a training camp for Alpha Special Forces in Knin in February 1993. As a result, forces trained by Captain Dragan moved throughout the territory of the former Yugoslavia under various commanders and as members of larger units. The training camp in Croatia allegedly contained over 1,000 troops. Most of the volunteers were soldiers of the army of the Republic of Serbian Krajina, but troops from outside the former Yugoslavia also trained there under Dragan.

207. Dragan claims to have deployed the Garibaldi Fighters from Italy in the Velebit mountains north of Zadar in Croatia. The size of the Garibaldo unit is unknown, but reportedly carried out reconnaissance and sabotage missions behind enemy lines on behalf of Serbian paramilitary commanders fighting in Croatia. Dragan claimed that by July 1993, as many as 114 missions had been performed by units trained by him at the camp. 453/

208. Dragan has been accused of intimidating civilians and of orchestrating "ethnic cleansing" throughout Krajina. In November 1991, Captain Dragan and two other identified men used the burned remains of a human body to intimidate a Croatian civilian prisoner and force him to reveal information. This happened at the carpentry workshop in "Velepromet" in Vukovar. Captain Dragan was also an investigator for the "People's Court-Martial" at the carpentry workshop, where Serbian JNA and paramilitary forces condemned Croatian prisoners to death. 454/ A witness alleged that Captain Dragan and another identified man took a woman from "Velepromet". The woman was beaten and then returned to the room after being questioned about events in Vukovar and the treatment of Serbian residents there before the 1991 elections. 455/

209. A 110-man unit under Captain Dragan allegedly attacked a village called Divič, near Zvornik, in May 1992. The group was billeted in Zvornik, which was occupied by Arkanovci at the time. 456/

210. A witness stated that on 23 September 1991, civilians in Tovarnik, in eastern Croatia, were forced into a courtyard and divided according to nationality. One hundred Croats were reportedly separated from the group and taken towards Šid in Serbia. Reportedly, Captain Dragan claimed authorization to kill whomever he chose. Allegedly, one man was killed and left on the side of the road. 457/

211. A unit named the Draganovci also allegedly participated in the April 1992 attack on Zvornik in north-eastern BiH along with other paramilitary

units including Arkanovci, Dušan the Mighty, Antićevci, the White Eagles, the Vukovar Unit under Pero Elez, and others. 458/

212. In January 1993, paramilitary formations under Captain Dragan allegedly participated in the "ethnic cleansing" operation of the Knin district, along with Arkan and Šešelj units. 459/

213. Captain Dragan's troops allegedly removed prisoners from Luka camp to Belgrade during June 1992. 460/

214. Groups commanded by Captain Dragan reportedly include the Knindže, the Red Berets, and the Munja or Flash (lightning) troops.

Name of Unit: Drago's Group (Dragina Grupa)

Ethnicity: Serbian

Uniform: N/A

Number of Troops: N/A

Origin: N/A

Area(s) of Operation: Vukovar, Croatia

Political Affiliation: N/A

Leader(s): An identified man, whose name is not disclosed for confidentiality and prosecutorial reasons

Alleged Members: Nine identified men, whose names are not disclosed for confidentiality and prosecutorial reasons

Source(s): Report of the Republic of Croatia Pursuant to the United Nations Security Council Resolution 780 of 5 October 1992, IHRLI Doc. No. 2794-2984, at 2813.

Alleged Activity:

215. Drago's Group was allegedly responsible for killing civilians in Tovarnik, a town near Vukovar in eastern Croatia, during 27-30 September 1991. About 80 persons were killed with knives, guns, bombs, etc. An identified Captain raped and killed young girls. Other members of Drago's Group, who allegedly participated in the attack on Tovarnik, were identified, but their names are not disclosed for confidentiality and prosecutorial reasons. 461/

Name of Unit: Dušan the Great (Dušan Silni)

Ethnicity: Serbian

Uniform: Camouflage, headbands or scarves and hats with insignia

Number of Troops: N/A

Origin: N/A

Area(s) of Operation: Vukovar County, Croatia and Zvornik County, BiH

Political Affiliation: N/A

Leader(s): An identified man, whose name is not disclosed for confidentiality and prosecutorial reasons

Alleged Members: Six identified men, whose names are not disclosed for confidentiality and prosecutorial reasons

Source(s): Croatian Information Centre, Weekly Bulletin, No. 3, 1993, IHRLI Doc. No. 34958-961, at 34959.

Croatian Information Centre, Weekly Bulletin, No. 14, 8 November 1993, IHRLI Doc. No. 47017-47024, at 47019.

Croatian Information Centre, War Crimes Committed by the Yugoslav Army 1991-1992, 1993, IHRLI Doc. No. 15105-15210, at 15123.

Report submitted by the Republic of Croatia to the U.N. Security Council, War Crimes and Grave Breaches of Geneva Conventions Committed by Serbian Paramilitary Forces in United Nations Protected Areas (UNPAs) in the Republic of Croatia, 6 September 1993, IHRLI Doc. No. 42883-42918, at 42896-42901.

Amnesty International, Yugoslavia: Further Reports of Torture and Arbitrary Killings in War Zones, March 1992, IHRLI Doc. No. 50100-50129, at No. 50107.

Ludwig Boltzmann Institute of Human Rights, Report on 'Ethnic Cleansing Operations' in the North-Eastern Bosnian City of Zvornik, 6 April 1994, IHRLI Doc. No. 63984-64023, at 63996.

Alleged Activity:

216. According to the Croatian Information Centre, on 7 September 1991, in Tovarnik, Dušan the Great forces killed a Catholic priest and set fire to Croatian houses. 462/

217. Dušan forces were also allegedly involved in abuses conducted in the village of Lovas in eastern Croatia. Allegedly, male civilians in Lovas were mistreated and some were killed on 17 October 1991, when they were called to a meeting in a cooperative. Dušan the Great forces surrounded the cooperative, then searched and beat the prisoners. Later, the leader allegedly arrived and ordered some of the prisoners to perform work detail, and detained them in a house for the night. One witness reportedly was detained for roughly three months and made to perform work detail. He stated that Ljuban Devetak was in charge of operations and was encamped at the main police station in Lovas. The same witness also stated that Jovićevci, Šešeljovci and Arkanovci were also present in Lovas during the fall of 1992. 463/

218. Victims were reportedly beaten, forced to sit still in front of machine-guns, and forced to walk through a minefield. Another witness reported that 21 people died and that 13 were wounded. 464/

219. Dušan the Great allegedly participated in the April 1992 attack on Zvornik in north-eastern BiH, along with other paramilitary units including Arkanovci, the Vukovar Unit, Antićevci, the White Eagles, Captain Dragan's men, and others. 465/

Name of Unit: Serb paramilitary unit from Dvor na Uni

Ethnicity: Serbian

Uniform: N/A

Number of Troops: N/A

Origin: Dvor, Croatia

Area(s) of Operation: Dvor, Croatia

Political Affiliation: N/A

Leader(s): N/A

Alleged Members: Thirteen identified men, whose names are not disclosed for confidentiality and prosecutorial reasons

Source(s): Croatian Information Centre, Weekly Bulletin, No. 15, 15 November 1993, IHRLI Doc. No. 47021-24, at 47022.

Alleged Activity:

220. According to the Croatian Information Centre, a paramilitary group from Dvor na Uni attacked two nearby villages, Kozibrod and Struga, on 26 July 1991. The attack began at 10:30 a.m. and lasted until 9:00 p.m. Allegedly, the attackers used civilians from the two villages as shields as they advanced on the Croatian police station at Kozibrod. Once in control of the police station, the paramilitaries reportedly killed seven civilians and eight policemen. The report also lists eight civilians as seriously wounded by gunfire. 466/

Name of Unit: Paramilitary forces under Pero Elez including the Vukovar Unit (Vukovarci)

Ethnicity: Serbian

Uniform: Camouflage fatigues bearing the red, white, and blue flag of the Federal Republic of Yugoslavia and\or the JNA star on the left front pocket

Number of Troops: N/A

Origin: Foča County, BiH

Area(s) of Operation: Foča and Zvornik Counties, BiH and Vukovar County, Croatia

Political Affiliation: N/A

Leader(s): Pero Eles

Alleged Members: Two Deputy Commanders 467/ and others 468/ were identified, but their names are not disclosed for confidentiality and prosecutorial reasons.

Source(s): US Department of State, 1993, IHRLI Doc. No. 62612-62877, at 62783.

Ludwig Boltzmann Institute of Human Rights, Report on 'Ethnic Cleansing Operations' in the North-Eastern Bosnian City of Zvornik, 6 April 1994, IHRLI Doc. No. 63984-64023, at 63996.

Republic of BiH Information Bureau, Daily Report on Aggression and Terrorism against the Republic of BiH, IHRLI Doc. No. 30207-30293, at 30213, 30246 and 30291.

Zdravko Grebo, Report to U.N. Special Rapporteur Mazowiecki, 1992, IHRLI Doc. No. 49183-49200, at 49190-2.

Report of BiH, Submission of Witness Statements to the Commission of Experts, 12 August 1992, IHRLI Doc. No. 35641-35706D, at 35685-35687, 35705.

Alleged Activity:

221. A Government report named the commander of the Vukovar Unit paramilitary force, which operated in Vukovar County, Croatia, and in Foča, Gacko, Zvornik, and Brčko Counties, BiH. 469/ Allegedly, many civilians were killed, imprisoned, or evicted from their homes by the Vukovar Unit. Reports also document that this group destroyed and looted property. The group is also accused of detaining women and young girls in separate facilities and raping them. Two identified members of the group allegedly transported women to detention facilities in FRY and Germany.

222. The US Government reported that the Vukovar unit participated in the 4 May 1992, attack on Foča, alongside members of the White Eagles and the Montenegro Guard. According to the report, the paramilitary units arrived together in seven military buses and followed orders to "comb" the area for Muslim and Croat civilians. The troops reportedly shot many of the civilians in outlying areas and detained the others at Foča Prison. 470/

223. Several witnesses stated that the commander operated in Foča from a hotel in Miljevina. Allegedly, many female prisoners were taken to the Miljevina hotel headquarters and then escorted to private homes, where they were detained for months and raped. The commander reportedly was the first to rape many of the women. The victims said that if they resisted, they were threatened with transfer to a local hotel, where many paramilitary troops raped prisoners regularly. Victims stated that they were held at the house of Nusret Karaman, 471/ who was allegedly part of a transport network run by the commander. Karaman reportedly provided passports for the women and took them from BiH to Belgrade and to Germany. 472/

224. A report submitted to the UN estimated that 250 buildings in Foča, including a mosque, were burned to the ground, that the entire agricultural stock was burned, and that farming machinery was destroyed. Allegedly, 1,000 civilians were taken to Foča prison and abused. The prisoners included Muslims, Croats, Serb resisters, and patients and staff at the Foča Medical Centre. Witnesses stated that as many as 10,000 detainees were moved through the prison. 473/

225. The Vukovar Unit also allegedly participated in an attack on the villages near Zelengora mountain in Gacko. Serbian forces allegedly began shelling the villages on 1 July 1992. Civilians were killed with knives or captured and sent to Kalinovik, where they were held in an elementary school. Witnesses stated that two identified men took 12 young women from the elementary school prison. Witnesses also reported that two elderly women died hile in captivity at the school. 474/

226. The Vukovar Unit allegedly participated in the April 1992 attack on Zvornik in north-eastern BiH, along with other paramilitary units including Arkanovci, Dušan the Great, Antićevci, the White Eagles, Captain Dragan's men, and others. 475/

Name of Unit: Serbian Falcons

Ethnicity: Serbian

Uniform: N/A

Number of Troops: N/A

Origin: N/A

Area(s) of Operation: BiH

Political Affiliation: Serbian Royalist Party (SRP)

Leader(s): An identified man, whose name is not disclosed for confidentiality and prosecutorial reasons.

Alleged Members: N/A

Source(s): "Nationalistic Serbs Threaten Terrorist Attacks if Intervention", Agence France Presse, 13 May 1993, available in LEXIS, News Library, Curnws File.

Suzanne Nelson, "Yugoslavia: Extremist Groups Come to Life in Disillusioned Serbia", Inter Press Service, 17 November 1992, available in LEXIS, News Library, Curnws File.

Alleged Activity:

227. In May 1993, the group was reported to have 350 men training at Subotica, Serbia. 476/ Groups such as Helsinki Watch suspect the SRP paramilitary group, the Serbian Falcons, of atrocities. As of November 1992, an estimated 600 Serbian Falcons were fighting in BiH, with 700 to 800 in Serbia. 477/

Name of Unit: Garavi Sokak

Ethnicity: Serbian

Uniform: N/A

Number of Troops: N/A

Origin: N/A

Area(s) of Operation: Goražde County, BiH

Political Affiliation: N/A

Leader(s): N/A

Alleged Members: N/A

Source(s): State Commission for Gathering Facts on War Crimes in the Republic of BiH, Bulletin, No. 3, March 1993, IHRLI Doc. No. 29841-29884, at 29875.

Alleged Activity:

228. According to the Bulletin, in June 1992, the Garavi Sokak paramilitary unit looted Muslim property and frightened Muslim residents of Goražde and surrounding villages. The Garavi Sokak unit worked together with Užice military units, Arkan's men, and local paramilitaries working under Braco Rakanović. Allegedly, these forces attacked a settlement near Kokino village and another near Površnica mountain. 478/

Name of Unit: Grey Wolves

Ethnicity: Serbian

Uniform: The Grey Wolves wore distinct, black wool caps and green uniforms with patches on both sleeves. The right-arm patch depicted a grey wolf; the left-arm patch bore the four Cyrillic S's.

Number of Troops: N/A

Origin: N/A

Area(s) of Operation: Bosanski Šamac County, BiH

Political Affiliation: N/A

Leader(s): Stepo Todorović, Minister of Internal Affairs, who originally lived in Serbia

Alleged Members:

Source(s): Marlene A. Young (National Organization for Victim Assistance), Recommendation for Assistance to Victims of Trauma in the Former Yugoslavia, 5 February 1993, IHRLI Doc. No. 9114-9162, at 9157-9161.

Alleged Activity:

229. The National Organization for Victim Assistance reported an attack on Bosanski Šamac on 17 April 1992, by Serbian paramilitary forces, including the Grey Wolves and Arkanovci. One witness stated that the paramilitary troops arrested and killed civilians in the days before and after the attack, and that the same troops mined and destroyed all of the bridges in the area. The witness stated that he was arrested and repeatedly beaten. 479/

230. On 18 April the paramilitary forces were allegedly joined by the Territorial Defence and the JNA, who came with tanks and transport vehicles. Politically active Croats and Muslims were arrested, as well as anyone who remained outside. Seven or eight days later, all intellectuals were arrested. In the third and final wave of arrests, the only civilians who were not taken were those with "working obligations". Allegedly, detention centres were established at a Territorial Defence storehouse and the police headquarters. The prisoners were reportedly beaten and detained for a month. 480/

231. Todorović was reportedly from Serbia and married to a Muslim woman. He allegedly demanded that civilians give up their arms for peace, and claimed that if even one Grey Wolf was killed, 100 Muslims and Croats would die. According to the witness, the civilians who surrendered their weapons were arrested. 481/

232. A man, identified by one name only, was reportedly a member of the Arkanovci or Grey Wolves, killed 21 people in retaliation for the death of a 21 year-old Serb. A 60 year-old man was also reportedly shot to death. 482/

233. The witness stated that he was eventually taken out of Bosanski Šamac and taken to Brčko and other camps. 483/

Name of Unit: Serbian Guard in Karakaj

Ethnicity: Serbian

Uniform: N/A

Number of Troops: N/A

Origin: N/A

Area(s) of Operation: Karakaj (county unknown), BiH

Political Affiliation: N/A

Leader(s): An identified man, whose name is not disclosed for confidentiality and prosecutorial reasons.

Alleged Members: N/A

Source(s): US Department of State, 1993, IHRLI Doc. No. 56320-57229, at 56879.

Alleged Activity:

234. The chief of the Serbian guard in Karakaj is reported to have engaged in several activities not disclosed for confidentiality and prosecutorial reasons. 484/

Name of Unit: Serb Hawks (Srpski Orlovi)

Ethnicity: Serbian

Uniform: N/A

Number of Troops: N/A

Origin: N/A

Area(s) of Operation: BiH

Political Affiliation: N/A

Leader(s): N/A

Alleged Members: N/A

Source(s): Chris Stephen, "View from the Zoo", Houston Chronicle, 5 December 199[illegible], at A33.

Alleged Activity:

235. The name "Serb Hawks" is reported in at least one newspaper article, but no information is available regarding their activities. 485/

Name of Unit: Četniks led by Dragan Ignjatović, Ljubisav, and Mile Mijatović

Ethnicity: Serbian

Uniform: N/A

Number of Troops: N/A

Origin: N/A

Area(s) of Operation: Zvornik County, BiH

Political Affiliation: N/A

Leader(s): Dragan Ignjatović, Ljubisav, and Mile Mijatović (alias "Cicvara")

Alleged Members: N/A

Source(s): World Campaign "Save Humanity", Report on War Destructions, Violation of Human Rights and Crimes Against Humanity in BiH, 27 July 1992, IHRLI Doc. No. 52111-135, at 52131-132.

Alleged Activity:

236. Četniks led by Dragan Ignjatović, a former clerk in the Zvornik town hall, Ljubisav, a policeman, and Mile Mijatović, alias "Cicvara", attacked Kostjerevo village near Zvornik in May 1992. According to a witness, the entire population of Kostjerevo was taken to Drinjača. Thirty-five men were beaten and killed in a hall there and 12 teenage boys were taken prisoner and led in the direction of Zvornik. Women were raped and tortured. On 31 May about 150 women and children were taken in two buses in the direction of Tuzla, while others were allegedly kept for exchange. 486/

Name of Unit: Paramilitary forces under Dragan Ikanović 487/

Ethnicity: Serbian

Uniform: N/A

Number of Troops: N/A

Origin: N/A

Area(s) of Operation: Vogošća County, BiH

Political Affiliation: N/A

Leader(s): Dragan Ikanović

Alleged Members: An identified man, whose name is not disclosed for confidentiality and prosectorial reasons.

Source(s): State Commission for Gathering Facts on War Crimes in the Republic of BiH, Bulletin, No. 3, March 1993, IHRLI Doc. No. 29841-29884, at 29869-29870.

Alleged Activity:

237. A witness reported that Dragan Ikanović and his men were responsible for the deaths of approximately 50 Muslim prisoners. According to the witness, Ikanović and his men loaded the prisoners onto a bus and drove them from Vogošća towards a village called Srednje. At one point in the journey, the passengers were told that the bus had overheated. The three Serbian guards left the bus, which was then fired upon by Serbian forces using rocket launchers, bazookas, machine-guns and hand grenades. 488/

Name of Unit: Dragan Ilić's Group

Ethnicity: Serbian

Uniform: N/A

Number of Troops: N/A

Origin: N/A

Area(s) of Operation: N/A

Political Affiliation: N/A

Leader(s): Dragan Ilić

Alleged Members: One man was identified, but his name is not disclosed for confidentiality and prosecutorial reasons.

Source(s): US Department of State, 1993, IHRLI Doc. No. 56320-57229, at 56879.

Alleged Activity:

238. Twenty-two year-old Dragan Ilić, son of Dragoljub Ilić, allegedly led a team that confiscated weapons from Muslims. One member of the team was identified. 489/

Name of Unit: Jovićevci

Ethnicity: Serbian

Uniform: Camouflage

Number of Troops: N/A

Origin: N/A

Area(s) of Operation: Vukovar County, Croatia

Political Affiliation: N/A

Leader(s): N/A

Alleged Members: N/A

Source(s): Report submitted by the Republic of Croatia to the U.N. Security Council, War Crimes and Grave Breaches of Geneva Conventions Committed by Serbian Paramilitary Forces in United Nations Protected Areas (UNPAs) in the Republic of Croatia, 6 September 1993, IHRLI Doc. No. 42883-42918, at 42896-42901.

Alleged Activity:

239. According to witness statements reported by the Republic of Croatia, the Jovićevci forces were involved in abuses conducted in Lovas in eastern Croatia. Male civilians in Lovas were allegedly mistreated and some were killed on 17 October 1991, when they were called to a meeting at the town cooperative. Jovićevci allegedly participated in searching and beating the prisoners. Twenty-one people were killed on the night of 17 October when they were forced to walk in a minefield located in front of the Borovo factory. A witness stated that the paramilitary groups present in Lovas at the time were the Jovićevci, Šešeljovci and Arkanovci. Also, many witnesses have corroborated that Ljuban Devetak, an economist, was in charge of the forces operating in Lovas during the fall of 1992. 490/

Name of Unit: Zoran Karlica

Ethnicity: Serbian

Uniform: N/A

Number of Troops: N/A

Origin: N/A

Area(s) of Operation: Prijedor County, BiH

Political Affiliation: N/A

Leader(s): N/A

Alleged Members: Three identified men, whose names are not disclosed for confidentiality and prosecutorial reasons

Source(s): Croatian Information Centre, Genocide: Ethnic Cleansing in Northwestern Bosnia (Ante Beljo ed. 1993), IHRLI Doc. No. 39889-40025, at 39953.

Alleged Activity:

240. A Serbian paramilitary unit called Zoran Karlica was allegedly responsible for killings, rapes and other abuses in the village of Biščani in Prijedor county in July 1992. A witness recognized and identified three men among the group. One identified man allegedly beat a man to death because of an earlier incident between them. 491/

241. The witness claimed that there were few survivors after "ethnic cleansing" in the village. Survivors were loaded into two buses and driven towards Prijedor. There were reportedly unburied bodies alongside the road during the drive. At Crna Jaruga, half of one bus' passengers were killed. One of the buses drove to the Omarska camp and then on to the Trnopolje camp because there was no room at Omarska. Later in the day, an identified member of the paramilitary group returned and reportedly removed and executed 13 people. 492/

Name of Unit: Knindža Turtles

Ethnicity: Serbian

Uniform: N/A

Number of Troops: N/A

Origin: Knin County, Croatia

Area(s) of Operation: Modriča and Doboj Counties, BiH

Political Affiliation: N/A

Leader(s): N/A 493/

Alleged Members: N/A

Source(s): Amnesty International, BiH Gross Abuses of Basic Human Rights, October 1992, IHRLI Doc. No. 3596-3648, at 3620-21.

Alleged Activity:

242. According to an eyewitness, during May 1992, a paramilitary group who called themselves the Knindža Turtles, together with members of the White Eagles, interrogated prisoners at the Sutjeska school. The witness reported that he was held in a classroom with approximately 50 other men of military age. Women, children and older men were held in the school sports hall. The witness said that local Serbs acted as guards, while the two paramilitary groups performed interrogations. 494/

243. The witness was questioned about where the Muslims kept their weapons and about his activities before apprehension. He said that he was not beaten during the interrogation, but that one of the prisoners, a 47 year-old Muslim, was beaten with a pickaxe handle. 495/

Name of Unit: Vlado Kovačević and Četniks

Ethnicity: Serbian

Uniform: N/A

Number of Troops: N/A

Origin: N/A

Area(s) of Operation: Vukovar County, Croatia

Political Affiliation: N/A

Leader(s): Vlado Kovačević

Alleged Members: N/A

Source(s): Croatian Information Centre, Weekly Bulletin, No. 2, 16 August 1993, IHRLI Doc. No. 34954-34957, at 34956.

Alleged Activity:

244. On 19 November 1991, Serbian paramilitary units, referred to by witnesses as "Četniks", took Vukovar civilians from their basements to the Pekara bakery, where they were killed with knives and burned in a baker's oven. Vlado Kovačević was seen among the perpetrators, apparently dressed as the commander. 496/

Name of Unit: Paramilitary forces under command of Rajko Kušić

Ethnicity: Serbian

Uniform: N/A

Number of Troops: N/A

Origin: N/A

Area(s) of Operation: Višegrad and Rogatica Counties, BiH

Political Affiliation: N/A

Leader(s): Rajko Kušić, Major Commander Battalion Borika, 1 Brigade Drina Corps, Serbian Republic of BiH 497/

Alleged Members: An identified person, whose name is not disclosed for confidentiality and prosecutorial reasons

Source(s): BiH Bulletin No. 3, March 1993, IHRLI Doc. No. 29841-29884, at 29866-29867.

United Nations Military Information Branch, Report on Who's Who in Former Yugoslavia, No. 1, 1 February 1994, IHRLI Doc. No. 62101-62173, at 62141.

Alleged Activity:

245. According to a witness, Serbian paramilitary forces under the command of Rajko Kušić killed 49 prisoners during a fake prisoner exchange. Serb forces under the command of an identified member of the group forced prisoners from Višegrad onto a bus, under the pretence of a prisoner exchange in Han Pijesak. However, once the prisoners were on the bus, several Serb soldiers tied them up, and then beat and taunted them. Eventually, the bus arrived at a curve along a muddy road. The Serb forces ordered the prisoners off the bus, walked them up the road, then killed 49 of the prisoners and piled them in a pit. 498/

Name of Unit: Paramilitary forces under Milan Lukić.

Ethnicity: Serbian

Uniform: Masked with camouflage uniforms and "Četnik insignias".

Number of Troops: N/A

Origin: Višegrad County, BiH

Area(s) of Operation: Višegrad County, BiH

Political Affiliation: N/A

Leader(s): Milan Lukić

Alleged Members: N/A

Source(s): Tadeusz Mazowiecki, Fifth Periodic Report on the Situation of Human Rights in the Territory of the Former Yugoslavia, U.N. Doc. E/CN.4/1994/47 (17 November 1993), IHRLI Doc. No. 52399-52435, at 52430.

Amnesty International Submission to the Commission of Experts, 16 November 1992, IHRLI Doc. No. 34967-35017, at 34993.

Zdravko Grebo, Report Sent to Tadeusz Mazowiecki, 19 November 1992, IHRLI Doc. No. 49183-49201, at 49192-49193.

Republic of BiH, Report Submitted to the Commission of Experts, 5 July 1992, IHRLI Doc. No. 34732-34763, at 34734.

Alleged Activity:

246. According to reports submitted to the Commission of Experts, Milan Lukić from the village of Rusti in Višegrad, BiH, commanded paramilitary forces operating in the Višegrad region. Lukić's forces allegedly abducted two sets of Muslim civilians who have since disappeared. He is also accused of murder, deliberate destruction of Muslim property, and molestation of young Muslim women at the "Vilina Vlas" and "Bikavac" hotels. 499/

247. A report, based on information received from the BiH Ministry of Internal Affairs, states that on 18 June 1992, 22 Muslims were killed on the new bridge in Višegrad by Lukić and his men. According to the report, the Lukić forces killed the civilians by various methods: children were dropped from the bridge and shot before they hit the water, others died when their kidneys were torn out, and some were tied to car bumpers and dragged through the streets. The report states that Lukić's forces did not act alone on 18 June but were linked with members of the Popović Group (another paramilitary group operating in Višegrad at the time and commanded by Srpko Popović). 500/

248. Milan Lukić and his men allegedly abducted 16 Sandžak Muslims from the village of Sjeverin on 22 October 1992. According to Amnesty International, eight armed and masked men boarded a bus the victims were travelling in as it entered BiH in the Višegrad municipality. The men then escorted the Muslim passengers off the bus and onto an army truck. The truck, which had no license plates, carried the civilians towards the town of Višegrad. According to witnesses, the Muslims were told that they were to be exchanged for Serbs who were captured the night before. The Belgrade newspaper, Borba, citing

military sources in Serbia, reported that the Muslims were killed near Višegrad later that same day. 501/

249. On 19 February 1993, Lukić's forces allegedly performed a similar operation at the Strpci train station in BiH. Witnesses state that 19 Muslim passengers on the train were abducted by paramilitary forces under Milan Lukić. The forces all wore camouflage with "Četnik insignia". The victims were led onto a military truck and driven away from the train station. 502/

250. Lukić was reportedly arrested and detained briefly in relation to both of these incidents on 26 October 1992 and again in February 1993. According to Amnesty International, the leaders of the "Serb Republic of BiH" deny the existence of paramilitary forces in the Višegrad region and refer to Lukić and his paramilitary forces as "volunteers" fighting under the command of the Višegrad Brigade. However, according to Borba, Lukić's forces were not controlled by the army or the local authorities in Višegrad. 503/

Name of Unit: Martić's Police or Militia (Martićevci)

Ethnicity: Serbian

Uniform: Reportedly had access to federal army uniforms.

Number of Troops: N/A

Origin: Krajina, Banija, Kordun, Slavonia.

Area(s) of Operation: Regions of Krajina, Kordun, Banija, Western Slavonia, Eastern Slavonia, Croatia; and Brčko, Doboj, and Hadžići Counties, BiH.

Political Affiliation: Affiliated with Milan Martić, former police chief and Interior Minister of the Krajina region, and currently the president of the RSK.

Leader(s): Milan Martić, Captain Dragan, Dane Bunjevac (unit commander of Krajina militia in Plaški), 504/ Mladenović (local commander in UNPA Sector East) 505/

Identified Members: Five identified men, whose names are not disclosed for confidentiality and prosecutorial reasons

Source(s): M. Cherif Bassiouni, Reports Obtained During the Commission Mission to the Former Yugoslavia -- April 1993, 11 May 1993, IHRLI Doc. No. 15899-906.

Meriel Beattie, "At Least Four Dead in Fresh Battles Between Serbs and Croats", Reuters, 14 August 1991, available in LEXIS, News Library, Curnws File.

"Belgrade Radio Reports Martić's Claim of 30 Killed in Ljubovo", BBC Summary of World Broadcasts, 5 July 1991.

Nesho Djurić, "Serbian Guerrillas Fight for Croatian Territory", UPI, 19 August 1991, available in LEXIS, News Library, UPI File.

Alan Ferguson, "Belgrade Puts Pressure on Rebellious Republics", Toronto Star, 26 June 1991, at A1.

"The Fighting in Croatia in Brief", BBC Summary of World Broadcasts, 25 July 1991.

Donald Forbes, "Croats and Serb Guerrillas Fight in a Dozen Towns", Reuters, 11 September 1991, available in LEXIS, News Library, Curnws File.

Misha Glenny, The Fall of Yugoslavia (1993).

Blaine Harden, "Guerrillas, Army Shell Croatian City; Republics' Leaders Open Peace Talks", Washington Post, 21 August 1991, at A8.

Peter Humphrey, "Bosnia Holds Emergency Defence Meeting after Serb Incursion", Reuters, 9 June 1991, available in LEXIS, News Library, Curnws File.

David C. Isby, "Yugoslavia 1991 -- Armed Forces in Conflict", Jane's Intelligence Review, September 1991, IHRLI Doc. No. 26349A1-26349A63, at 26349A26.

Jonathan S. Landay, "Dispute Over Army Role in Croatia Focus of Presidency Meeting", UPI, 26 July 1991, available in LEXIS, News Library, UPI File.

Letter from Citizens of Široka Kula and Relatives of Missing Persons to ECMM (Zagreb), 15 January 1992, IHRLI Doc. No. 19122-19126.

Tyler Marshall, "Serbs and Croats Face Off Along Frontier of Hatred", Los Angeles Times, 14 July 1991, at 1.

Ministry of Information, Republic of Croatia, Concerning the Implication of Persons and Institutions from the Republic of Serbia in Terrorist Acts Carried Out in the Republic of Croatia, IHRLI Doc. No. 18476-485.

"Other Report on Croatian Conflict", BBC Summary of World Broadcasts, 2 August 1991.

Report of the Republic of Croatia Pursuant to the United Nations Security Council Resolution 780 of 5 October 1992, IHRLI Doc. No. 2794-2984.

"The Sandžak Referendum in Brief", BBC Summary of World Broadcasts, 4 November 1991, available in LEXIS, News Library, Curnws File.

State Commission for Gathering Facts on War Crimes in the Republic of Bosnia and Herzegovina, Bulletin, No. 2, February 1993, IHRLI Doc. No. 29792-840, at 29827-828.

Note from Anne-Marie Thalman, Humanitarian Affairs Officer Civil Affairs, to Georg Mautner-Markof, Chief, Special Procedures Section, Centre for Human Rights, Zagreb, 19 November 1992, IHRLI Doc. No. 49183-201 at 49197.

Report on Statements about Violations of the Second Protocol to the Geneva Conventions Concerning Slunj, the Surrounding Villages Situated in the Regions South of Slunj and Villages in the Municipality of Korenica, IHRLI Doc. No. 55082-117.

Dessa Trevisan, "Croat Police Given Army Ultimatum", The Times, 3 April 1993, available in LEXIS, News Library, Curnws File.

UNPROFOR, Allegations of Human Rights Violations, 22 April 1993, IHRLI Doc. No. 24426-24800 at 24432, 24439.

UNPROFOR, Press Summary Belgrade, 19 October 1993, IHRLI Doc. No. 45390-393, at 45390.

US Department of State, 1993, IHRLI Doc. No. 34165-203 at 34170.

Eileen Yin, "Yugoslav Political Leaders Hold Crucial Talks on Country's Future", UPI, 22 July 1991, available in LEXIS, News Library, UPI File.

"Yugoslav Army Halts Croat-Serb Conflict", Washington Times, 1 April 1991, at A2.

Alleged Activity:

251. Milan Martić became the most prominent organizer of Serbian militia forces in the Krajina region of Croatia. When the armed conflict between Croatians and Serbians began in the Serb strong-hold of Knin in August 1990, Martić served as the local Serb police chief and military organizer. Martić apparently continued as the leader of the Krajina militia when Croatian Serbs declared the autonomous region of "SAO Krajina" in March 1991 and when the Republic of Serbian Krajina (RSK) was established. Martić served for a long period as the Interior Minister of the RSK and was elected president of the RSK in January 1994.

252. It is difficult to establish Martić's role in particular military and paramilitary activities. The reports submitted to the Commission of Experts do not clearly delineate Martić's authority over the various paramilitary groups which operated in the Serbian-controlled regions of Croatia and do not clearly signify how Martić's authority may have expanded or diminished as his own role within the rump RSK government changed. While Martić, as the Knin police chief and RSK Interior Minister, clearly controlled a large force of police and police reservists, it is not clear how this force was related to the "SAO Krajina Militia", which has also been closely identified with Martić. A number of reports mention both Martić and a Krajina militias, suggesting that they may have been different forces. 506/ The organization of a RSK army separate from Krajina militia and police forces is not well understood, but by October 1993, the Politika newspaper reported that the RSK military supported RSK President Goran Hadžić, while the police backed Interior Minister Martić in their political disputes. 507/ For these reasons, this report summarizes only the activities of groups clearly identified as Martić forces.

253. Most of the reports on which this summary is based do not describe the personal involvement of Martić in planning or executing actions attributed to Martić forces. They are connected to him only because reports describe the groups involved as Martićevci, Martić Police or Martić Militia. An exception is the report from Croatian authorities, stating that Martić met with Komazec Ozren and Adam Davor on 10 April 1991 and instructed them to ignite explosives in Zadar, which they allegedly did. 508/

254. Serbs in Croatia began to organize paramilitary forces in 1990, prior to the declaration of an independent Serbian Krajina within the borders of Croatia. By mid-July 1990, the paramilitary forces reportedly had an estimated 12,000 members. 509/ The forces commanded by or loyal to Milan Martić were known as Martićevci. In an interview reported in July 1991, Martić claimed that the Krajina forces he commanded had 7,000 police regulars and 20,000 reservists. 510/ Several reports indicate that Captain Dragan commanded one of the Martićevci forces, 511/ but the links between Captain Dragan and Martić are not clear.

255. When the Serbs in Knin declared the autonomous region of "SAO Krajina", Martić headed the Secretariat of Internal Affairs (SUP) of the government led by Milan Babic. 512/ As Interior Minister and military organizer, Martić was widely regarded as effective in building the strength of the Krajina militia. 513/ Initially, the Martićevci was comprised largely of ethnic Serbian members of the existing Croatian police forces. Serbian members of Territorial Defence Forces and volunteers from other parts of Yugoslavia also joined the militia loyal to Martić. 514/

256. In the early stage of the conflict, Martićevci police forces attacked Croatian police stations and clashed with Croatian police forces in several villages. Federal army units were deployed to separate the Croatian and Serbian police after the battle for control of the Plitvice National Park, during which two people were killed. 515/

257. Following the fighting in the Plitvice region, the Serb authorities in Knin announced that they were uniting with the Republic of Serbia. Martić claimed that Serbian President Milošević had promised weapons and assistance to the Krajina Serbs if they came under attack. Officials in Serbia did not comment on his remarks. 516/

258. The Republic of Serbia and the Serb-dominated federal army reportedly backed the Martićevci and other Serb insurgents in Croatia. The Martićevci had access to federal uniforms, maps, vehicles, and weapons. 517/ The federal army also fought with the militias against Croatian forces, even as federal army officials continued to insist that the army was only acting as a buffer between Croatian and rebel Serb forces. 518/

259. Following the Croatian declaration of independence on 25 June 1991, the Serbian rebels attacked the Croatian police station in Glina. Three policemen were killed and seven injured. On 2 July Krajina militia forces attacked Croatian police in Lički Osik, and, according to Martić, 10 people were killed. 519/ Other Croatian villages were reportedly attacked as well. The federal army moved to separate the Croatian and Serbian fighters; Croatian sources claimed that the army was protecting the rebels. 520/

260. Martićevci forces and Croatian forces clashed often during the summer and fall of 1991. Fighting erupted in the regions of Krajina, Banija, Kordun and Western and Eastern Slavonia. Numerous cities and villages were engulfed in the conflict, including Gospić, Zadar, 521/ Vinkovci, Mirkovci, Josipdol, 522/ Dvor na Uni, 523/ Plaski, 524/ Selo Plastovo, Šibenik, Otočac, 525/ Beli Manastir, Borovo Selo, Borovo Naselje, Topusko, 526/ Pakrac, and Okučani. 527/

261. Federal army and Serbian rebel forces jointly attacked Croatian towns and villages on several occasions. On 21 August 1991, the combined forces shelled Osijek, killing three civilians and damaging a cathedral and apartment buildings. 528/ The army did not deny taking part in the shelling but claimed that it was responding to an attack by the Croatian National Guard on a federal army installation near the city. 529/ On 28 August 1991, the village of Korana in Slunj County was allegedly attacked by army tankfire and Martić forces. Women and children reportedly fled from the village, while the fate of 20 remaining Croatian men is unknown. The village was allegedly destroyed. 530/

262. The federal army also allegedly followed a pattern of occupying Croatian towns and villages after attacks by Martićevci and other rebel forces. Therefore, even when the army did not directly participate in the fighting, it helped rebel Serb forces gain control of a large portion of Croatia. 531/

263. In addition to fighting other armed forces, the Martićevci and other Serb rebels have been accused of attacking civilians, "ethnic cleansing", and abuses in detention.

264. "Ethnic Cleansing" and Attacks on Civilians: Members of the Martić Police and Yugoslav Army allegedly killed civilians, burned houses, and looted property in Saborsko from 1 August to 12 November 1991. During this period, 40 civilians were killed and 34 people were reported missing in Saborsko. 532/

265. In the village of Široka Kula during August to October 1991, Martić police forces based in Lički Osik allegedly restricted the movement of Croatian villagers, cut off telephone links, and subjected prisoners to forced labour. Citizens of Široka Kula were allegedly tortured and killed, but it is unclear whether Martić police or other paramilitaries were responsible. 533/

266. Approximately 70 members of Martić's group, along with other paramilitaries, were responsible for "ethnic cleansing" in the area of Donji Vakuf. 534/

267. In December 1991, a named man and other members of Martić's police killed civilians, burned houses and evicted people from their homes in the Croatian villages of Smilčić, Sopot and Paljuv. 535/

268. In December 1991 about 22 Croatian citizens were killed in their homes by Martić's militia, reportedly in retaliation for 19 Martić members allegedly killed while fighting against the Croatian Army. 536/

269. A named member of Martić's Militia, along with members of the Territorial Defence of SAO Krajina, allegedly attacked civilians in Čatrnja on several occasions. On 1 June 1992, he reportedly killed a civilian man from Čatrnja; on another occasion, he killed three women from the village and then burned their bodies. 537/

270. Abuses in Detention: Martić's militia and other paramilitary groups allegedly organized camps and prisons in Croatia at Beli Manastir, Knin, Stara Gradiška, Glina, Titova Korenica, Željava, and Bučje. 538/ In these camps, civilians, Croatian Army troops, and Croatian Ministry of Interior troops were mistreated and executed. 539/

271. Martić and his forces imprisoned Croatian policemen in several cities. Croatian authorities alleged that two Croatian policemen from Šibenik were arrested by Martić in Civljane on 1 April 1991, and detained for 15 days. According to one account, 120 Croatian policemen were being held in Knin on 26 June 1991, and Martić threatened to capture more. 540/ According to a Belgrade radio report, eight Croatian policemen from Dvor na Uni were imprisoned in Knin in July 1991, at which time the Knin prison contained 42 members of Croatian Ministry of Internal Affairs (MUP) forces. 541/

272. In September 1991, six members of Martić's militia were accused of torturing and terrorizing imprisoned civilians and members of the Croatian Army held at the fortress in Knin. 542/

273. On 31 December 1991, three Croatian soldiers travelling from Podgradina to Novigrad were captured in Paljuv by members of the ex-Yugoslav army and handed over to members of the Martić police forces. Martić's men allegedly killed one of the soldiers with a bullet to the head; the fate of the other two is unknown. 543/

274. Martić police allegedly arrested a Catholic priest from Drežnik in the Kordun region and imprisoned him in Titova Korenica. 544/

275. Martićevci Activity in BiH: In addition to the widespread involvement of the Martićevci in the conflict in Croatia, Martić forces also operated in BiH. On 8 June 1991, a special battalion of the SUP staged a one-day exercise in Titov Drvar to gauge combat-readiness. The exercise was reportedly commanded by Martić, who stated that there would be further exercises in BiH and that the exercise had erased the border between Krajina and BiH. 545/

276. In October 1991, a group of Martićevci allegedly stormed a polling station in Hadžići near Sarajevo, to stop voting on a referendum on Sandžak autonomy. 546/

277. Martić forces from Bosanska Krajina were allegedly the last Serbian forces to hold Brčko following the Serbian attack which began on 1 May 1992. 547/

278. Martić forces were allegedly involved in the Serbian attack on Doboj, which began on 3 May 1992. A husband and wife were attacked and robbed by Serbian soldiers, identified by the victims as the "Martić gang". The man was beaten and cut with a knife; his wife was raped. 548/

Name of Unit: Montenegro Guard

Ethnicity: Serbian

Uniform: Camouflage with white cloth tied around the left shoulder

Number of Troops: N/A

Origin: N/A

Area(s) of Operation: Foča County, BiH

Political Affiliation: N/A

Leader(s): N/A

Alleged Members: N/A

Source(s): US Department of State, 1993, IHRLI Doc. No. 62612-62877, at 62782-62786.

Alleged Activity:

279. According to the US Government, the Montenegro Guard participated in "ethnic cleansing" operations in Jeleč, a village near Miljevina in south-eastern BiH. Allegedly, the Montenegro Guard and members of other paramilitary units, including the White Eagles and the Vukovar Unit, shelled the town and killed remaining Muslim civilians after 23 April 1992. The raid on Jeleč began on 18 April 1992, when paramilitary forces blocked the roads to the town and ordered Muslims to surrender their weapons by 22 April to a Bosnian Serb delegation at the military complex in Miljevina. On 23 April Serb forces began shelling Jeleč and the surrounding villages, forcing the residents into hiding in the surrounding hills. The Montenegro Guard and other ground forces moved into Jeleč on 4 May. They arrived in seven military buses and were given orders to search the area for Muslims. At least 16 Muslims were allegedly shot and buried in two graves in a potato field one kilometre west of Jeleč. 549/

Name of Unit: Radoja Nikolić's Paramilitary Groups

Ethnicity: Serbian

Uniform: N/A

Number of Troops: N/A

Origin: N/A

Area(s) of Operation: Zvornik County, BiH

Political Affiliation: N/A

Leader(s): Radoja Nikolić

Alleged Members: N/A

Source(s): US Department of State, 1993, IHRLI Doc. No. 56320-57229, at 56879.

Alleged Activity:

280. Radoja Nikolić allegedly led Serbian paramilitary groups in Grbavci near Zvornik. 550/

Name of Unit: Special Forces from Nikšić

Ethnicity: Montenegro Serbs

Uniform: N/A

Number of Troops: N/A

Origin: Nikšić, Montenegro, FRY

Area(s) of Operation: Gacko County, BiH

Political Affiliation: N/A

Leader(s): N/A

Alleged Members: N/A

Source(s): Submission from David Hepburn, ECMM Liason Officer, UK Mission, to the Commission of Experts, 29 April 1993, IHRLI Doc. No. 20269-20546, at 20271-20285.

Alleged Activity:

281. Witnesses from the villages around Gacko, BiH, stated that in June 1992, their villages were destroyed and Muslim civilians were tortured and killed by Nikšić paramilitary forces, White Eagles, local Serbs and JNA soldiers. On 18 and 19 June, the villages in the area allegedly were shelled, and Muslims were rounded up for interrogation and transportated to Trebinje. Many of the civilians fled into the forests in the nearby mountains from where they could see the paramilitary forces moving through the villages and burning the homes. 551/

282. According to one witness, many of the civilians hiding in the forests surrendered on 12 July 1992. They were taken in military trucks to Gacko and interrogated at the police station, where witnesses reported many village possessions were stored. The civilians were asked where their male relatives could be found. The male Muslim prisoners were reportedly held in the basement of a hotel in the suburbs of Gacko. 552/

283. Eventually, in late July, the women and children were deposited at the front-line near Berkovići, where Serb forces were fighting members of the Croatian Defence Council (HVO). The civilians were forced to cross the battle lines over minefields towards the HVO who fed them and transferred them to Mostar, Čapljina, or Ljubuški, BiH. 553/

284. Witnesses from the Gacko region alleged that the Serbian forces, including the forces from Nikšić, destroyed and looted villages, blew up at least one bridge, shot and burned some civilians and mutilated others. Witnesses stated that almost none of the Muslim males from the area survived. 554/

Name of Unit: Paramilitary Forces from Padinska Skela

Ethnicity: Serbian

Uniform: Large, black cowboy hats with ribbons

Number of Troops: N/A

Origin: Padinska Skela, FRY

Area(s) of Operation: Zvornik County, BiH

Political Affiliation: N/A

Leader(s): N/A

Alleged Members: N/A

Source(s): Ludwig Boltzmann Institute of Human Rights, Report on 'Ethnic Cleansing Operations' in the North-Eastern Bosnian City of Zvornik, 6 April 1994, IHRLI Doc. No. 63984-64023, at 63996.

Alleged Activity:

285. According to the Ludwig Boltzmann Institute of Human Rights, paramilitary forces from Padinska Skela participated in the April 1992 attack on Zvornik in north-eastern BiH, along with other paramilitary units including Arkanovci, Šešeljovci, Dušan the Great, Antičevci, the White Eagles, Captain Dragan's men, the Vukovar Unit, and others. 555/

Name of Unit: Paramilitary forces under Risto Perišić

Ethnicity: Serbian

Uniform: N/A

Number of Troops: N/A

Origin: N/A

Area(s) of Operation: Višegrad County, BiH

Political Affiliation: N/A

Leader(s): Risto Perišić

Alleged Members: N/A

Source(s): Statement of Hidajeta Omerović, Security Department, Ministry of Interior, Republic of BiH, Case File 353/1992 (5 July 1992) IHRLI Doc. No. 34732-759, at 34734.

Alleged Activity:

286. Risto Perišić, President of the Serbian community, was one of the organizers of "ethnic cleansing" in the Višegrad region. He was formerly a teacher of Serbo-Croatian. 556/

Name of Unit: Popović Group

Ethnicity: Serbian

Uniform: N/A

Number of Troops: N/A

Origin: N/A

Area(s) of Operation: Višegrad, BiH

Political Affiliation: N/A

Leader(s): Srpko Popović

Alleged Members: An identified man, whose name is not disclosed for confidentiality and prosecutorial reasons

Source(s): Zdravko Grebo, Report Sent to Tadeusz Mazowiecki, 19 November 1992, IHRLI Doc. No. 49183-49201, at 49192-49193.

Alleged Activity:

287. The Popović Group was reportedly involved in the deaths of 22 Muslims in Višegrad on 18 June 1992. The Popović unit worked with forces under Milan Lukič to kill Muslim civilians. A report also states that the Popović Group killed many Muslims at the Višegrad Electric Plant and threw the corpses into the Drina river. The Popović Group burned a group of 60 civilians in a house, drowned victims by tying them up and throwing them into the river, and looted Muslim homes in Višegrad. According to the report, Popović once killed 17 civilians in a single day. 557/

Name of Unit: Radosavljević/Lukić Unit

Ethnicity: Serbian

Uniform: N/A

Number of Troops: N/A

Origin: N/A

Area(s) of Operation: Podravska Slatina County, Croatia

Political Affiliation: Serbian Democratic Party (SDS)

Leader(s): Borivoje Lukić and Borivoje Radosavljević

Alleged Members: N/A

Source(s): Republic of Croatia, Report to the Commission of Experts, IHRLI Doc. No. 2794-2984, at 2810.

Amnesty International, Yugoslavia: Further Report on the Deliberate Killings in the War Zone, 1992, IHRLI Doc. No. 3538-3565, at 3544.

Alleged Activity:

288. During June 1990, the Serbian Democratic Party (SDS) was established in Podravska Slatina, led by lawyer Ilija Sašić. Party members armed themselves and established "camps for the education of terrorists" 558/ in Voćin, Sekulinci, Bučje, Zvečevo and Čeralije. On 19 August 1991, a "terroristic unit" under the command of Borivoje Lukić and Borivoje Radosavljević disarmed and mistreated Croatian policemen at the police station in Voćin. 559/ On the same day, "Četniks" 560/ harassed Croatians in the "Prevenda" quarter of the city, searching their homes and confiscating their weapons. While Serbians remained in control of Voćin, Croatians were tortured and arrested, and suffered forced labour and property confiscation. When the "Četniks" retreated on 12-13 December 1991, they killed Croatian civilians in Voćin, Hum, Krašković and Bokane. Public and private buildings were destroyed, including the Catholic church in Voćin.

Name of Unit: Radulović Irregulars 561/

Ethnicity: Serbian

Uniform: N/A

Number of Troops: N/A

Origin: Zecovi (county unknown), BiH

Area(s) of Operation: Prijedor County, BiH

Political Affiliation: N/A

Leader(s): N/A

Alleged Members: Three identified men, whose names are not disclosed for confidentiality and prosecutorial reasons

Source(s): US Department of State, 1993, IHRLI Doc. No. 56320-57229, at 56883.

Alleged Activity:

289. Several members of this group were identified for their alleged violations in locations not identified for confidentiality and prosecutorial reasons. 562/

Name of Unit: Forces under Braco Rakanović

Ethnicity: Serbian

Uniform: N/A

Number of Troops: 3

Origin: Goražde County, BiH

Area(s) of Operation: Goražde County, BiH

Political Affiliation: N/A

Leader(s): Braco Rakanović

Alleged Members: Two identified people, whose names are not disclosed for confidentiality and prosecutorial reasons

Source(s): State Commission for Gathering Facts on War Crimes in the Republic of BiH, Bulletin, No. 3, March 1993, IHRLI Doc. No. 29841-29884, at 29875.

Alleged Activity:

290. Several members of this group were identified for their alleged violations in locations not identified for confidentiality and prosecutorial reasons. 563/

Name of Unit: Rambos

Ethnicity: Serbian

Uniform: Webbed masks, black gloves, and black ribbons tied around their foreheads

Number of Troops: N/A

Origin: N/A

Area(s) of Operation: Prijedor County, BiH

Political Affiliation: N/A

Leader(s): N/A

Alleged Members: N/A

Source(s): Croatian Information Centre, Genocide: Ethnic Cleansing in Northwestern Bosnia (Ante Beljo ed., 1993), IHRLI Doc. No. 39889-40025, at 39953.

Alleged Activity:

291. According to one witness, the Rambos carved the Četnik insignia (four cyrillic S's) into a victim's chest, cut the sinews in one individual's leg and the spine of another so that he was instantly paralysed. 564/ The witness noted that the Rambos were sexually aggressive and assaulted both men and women interned in the camp. On one occasion, the men allegedly took five 13 year-old girls to a private home and returned them the following day, bearing obvious signs of abuse. A resident physician managed to suture two of the victims, but the others had to be sent to the hospital in Prijedor. 565/ In another incident, the Rambos chopped off the testicles and gouged out the eyes of a Czechoslovakian medic. 566/

Name of Unit: Red Berets

Ethnicity: Serbian

Uniform: N/A

Number of Troops: N/A

Origin: Niš, Serbia, FRY

Area(s) of Operation: Brčko, Doboj, Prijedor and Teslić Counties, BiH

Political Affiliation: N/A

Leader(s): N/A 567/

Alleged Members: N/A

Source(s): US Department of State, 1993, IHRLI Doc. No. 56320-57229, at 56328-56329, 57050.

Victim Testimonies submitted by Dr. Christina Doctare, WHO (Jan. 1993), IHRLI Doc. No. 39240A-39265A, at 39242A.

Zdravko Grebo, Report Sent to Tadeusz Mazowiecki, 19 November 1992, IHRLI Doc. No. 49183-49201, at 49197.

UNPROFOR Daily Situation Report, 30 December 1992, IHRLI Doc. No. 8275-8276, at 8276.

Alleged Activity:

292. In late December 1992, UNCIVPOL and local police authorities inspected a Red Beret camp near Bapska village. The UNPROFOR report, which described the inspection, did not specify the incident under investigation or the nature of the camp. 568/

293. On 1 May 1992, Red Berets from Niš arrested two Bosnian Muslim brothers at the railway station in Brčko, while trying to escape from the city. The men were taken to the Luka prison camp, where they were mistreated and witnessed many atrocities. 569/

294. In May 1992, Red Berets participated in the attack on Gornja Puharska, a village of about 300 Muslim families and six Croatian families. On 17 May regular JNA forces surrounded and attacked the village. On 29 May, Red Berets entered the village in tanks, accompanied by some non-uniformed Bosnian Serb irregular forces. 570/ The village surrendered and all the men were taken 23 kilometres south-east to Omarska on two buses and a cattle truck. Women and children remained in the village. At Omarska, Red Berets, JNA, and police provided security and coordinated guard shifts. 571/

295. Red Beret troops allegedly raped women at the Secondary School Centre in Doboj. One victim reported that three Red Berets (whom she believed were part of the Knin Corps) raped her simultaneously after she had been taken to the school by other "Četniks". 572/

296. Red Beret formations from Banja Luka participated in the "ethnic cleansing" of the Teslić region, along with the Serbian Militia and the Armada

Forces of the Serbian Republic of BiH. These groups also mistreated 600 prisoners in four prisons in the region, particularly in Banja Vrućica where 300 Muslims were imprisoned. 573/

Name of Unit: SAO Krajina Militia

Ethnicity: Serbian

Uniform: N/A

Number of Troops: N/A

Origin: N/A

Area(s) of Operation: Dragović, Pakrac County, Croatia

Political Affiliation: N/A

Leader(s): N/A

Alleged Members: N/A

Source(s): Croatian Information Centre, Weekly Bulletin, No. 2, 16 August 1993, IHRLI Doc. No. 34954-34957, at 34955.

Alleged Activity:

297. On 12 April 1993, five armed members of the SAO Krajina Militia robbed a Croatian family of money, valuables and a vehicle in the village of Dragović, 400 metres from an UNPROFOR checkpoint. The family was released with the assistance of UNPROFOR and local police. According to witnesses, the SAO Krajina militia wore uniforms which were different from the regular army. 574/

Name of Unit: Momir Savić's Četniks

Ethnicity: Serbian

Uniform: N/A

Number of Troops: N/A

Origin: N/A

Area(s) of Operation: Višegrad County, BiH

Political Affiliation: N/A

Leader(s): Momir Savič

Alleged Members: Six identified men, whose names are not disclosed for confidentiality and prosecutorial reasons

Source(s): Statement of Hidajeta Omerović, Security Department, Ministry of Interior, Republic of BiH, Case File 353/1992 (5 July 1992), IHRLI Doc. No. 34732-34759, at 34734.

Alleged Activity:

298. Momir Savić, an independent toolmaker, allegedly organized "ethnic cleansing" in the Višegrad region. On 13 April 1992, he and his Četniks reportedly set fire to the villages of Repuševići, Jarci, Brezje, Šip, Bodežnik, Bluž and Moremeslje. They reportedly stole humanitarian aid, but their actions worsened after the Užice corps left Višegrad on 18 June 1992. They then harassed and arrested Muslims, defaced a mosque, and destroyed the property of Muslims. 575/

Name of Unit: Serbian Democratic Party Forces _(Srpska Demokratska Stranka)_ (SDS)

Ethnicity: Serbian

Uniform: N/A

Number of Troops: N/A

Origin: Vukovar County and the Crna Gora Region, Croatia

Area(s) of Operation: Gacko and Sarajevo Counties, BiH

Political Affiliation: Serbian Democratic Party

Leader(s): Mišo Radulović, Vojin Popović

Alleged Members: Five identified men, whose names are not disclosed for confidentiality and prosecutorial reasons

Source(s): US Department of State, 1993, IHRLI Doc. Nos. 62693, 62711, 62712, 62713.

Alleged Activity:

299. The State Department reported that the Serbian Democratic Party (SDS), along with members of the Banja Luka Corps, attacked the village of Kozarac on 23 May 1992. 576/ The strength of their combined force was approximately 3,000 men, 70 T-84 and T-55 tanks, and an unknown number of armoured personnel carriers. Mišo Radulović, commander of the SDS troops, and a large number of his troops were reportedly from Vukovar and the Crna Gora region in Croatia.

300. Seven hundred Muslim villagers defended Kozarac for three days. Approximately 4,500 residents of the village were killed in direct fighting and by artillery and tank shelling. Once the Serbian force had taken the village, hundreds of Muslims fled to the forest. The SDS and Banja Luka Corps forces mined the perimetre of the forest to prevent Muslims from finding refuge there. As a result, many Muslims were killed or badly wounded.

301. A named member of the SDS Central Committee was located in Pale where he worked for the Ministry of Internal Affairs of the "Serbian Republic of Bosnia and Hercegovina". He helped arm local Serbs with weapons obtained from the JNA and actively participated in the arrest of Muslim intellectuals outside Sarajevo by providing lists with their names and addresses for Serbian paramilitary units. 577/

302. Another identified member was the former Deputy Commander of the District Highway Patrol Police in Sarajevo. 578/ He joined the SDS in early 1992 and was a commander of troops in Stari Grad in April 1993. He worked with JNA officers to coordinate an attack on an army depot at Feletići in May 1992, during which over 20,000 weapons were taken. He and a man named Drago Sucur also participated in ethnic cleansing in the area around Stari Grad. 579/

303. Another identified member headed the police department in Gacko county and the SDS in Gacko. 580/ Popović came to Gacko from Serbia in early 1992. He ordered a named man to rid Gacko County of its non-Serbian population. Within two or three weeks, all Muslims were killed, sent to Macedonia, or to camps in Serb-held areas.

304. Another identified member was a former chief inspector in the Sarajevo Internal Affairs Department and a member of the SDS. 581/ Before the war, he was a prominent Communist. As of mid-April 1993, he was the main political advisor to the commander of the Kolacki Battalion near Sokolac. During mid-July 1992, this battalion participated in attacks on a number of refugee settlements, including the village of Sahbegovići, where 60 Muslim women and children were killed. 582/

Name of Unit: Six Districts (Šesta Krajiška)

Ethnicity: Serbian

Uniform: N/A

Number of Troops: N/A

Origin: Banja Luka County, BiH

Area(s) of Operation: Sanski Most County, BiH

Political Affiliation: N/A

Leader(s): N/A

Alleged Members: N/A

Source(s): US Department of State, 1993, IHRLI Doc. No. 56320-56816, at 56632-56633.

Alleged Activity:

305. According to the US Government, on 9 May 1992, the Šesta Krajiška, or Six Districts paramilitary unit, attacked Sanski Most, occupying the police station and other municipal buildings there. Seventeen days after the Šešta Krajiška attack, Sanski Most was invaded by the Serbian Regular army. The Šesta Krajiška allegedly was from Banja Luka and regularly conducted small-scale military operations in support of the Serbian troops in BiH. 583/

Name of Unit: SOS (Srpske Oružane Snage)

Ethnicity: Serbian

Uniform: Red berets and arm patches depicting white wolves

Number of Troops: Approximately 12 members

Origin: Belgrade, Pančevo, and Valjevo, Serbia; many had come from Serbia as part of Arkan's Forces.

Area(s) of Operation: Area from Brčko County to Banja Luka County, including Bosanski Šamac, Modriča, Odžak, Derventa, and Bosanski Brod Counties, BiH

Political Affiliation: N/A

Leader(s): Crni (Blackie), Lugar (Ranger)

Alleged Members: An identified man, whose name is not disclosed for confidentiality and prosecutorial reasons

Source(s): US Department of State, 1993, IHRLI Doc. No. 62684.

Alleged Activity:

306. Members of the Srpske Oružane Snage (SOS) came to BiH as part of Arkan's Forces, but later operated independently. The SOS were reportedly extremely violent, looted property, and killed Serbs, Muslims and Croats.

307. The two leaders of the SOS, Crni and Lugar, allegedly killed about 5,000 people in the Brčko area with firearms and knives. 584/ They were reportedly criminals before the war and were incarcerated in the Kazneno-Popravni Dom Prison in Raška. 585/ Crni and Lugar both are described by the witness. 586/

308. A witness alleged that the 12 SOS members were finally charged with looting and killing and locked up in Stara Gradiška Prison only because of the international community's awareness. 587/ Witnesses claimed that the SOS members were allowed to wander freely through the prison and repeatedly beat other inmates. No dates are indicated in relation to SOS activities.

Name of Unit: Paramilitary forces under Joja Tintor

Ethnicity: Serbian

Uniform: N/A

Number of Troops: Over 1,000

Origin: N/A

Area(s) of Operation: Pale and Vogošća Counties, BiH

Political Affiliation: Eighty members were affiliated with the SDS.

Leader(s): Joja Tintor and four men, whose names are not disclosed for confidentiality and proseuctorial reasons

Alleged Members: Twelve identified men, whose names are not disclosed for confidentiality and prosecutorial reasons

Source(s): BiH Bulletin No. 3, March 1993, IHRLI Doc. No. 29841-29884, at 29868-29870.

Alleged Activity:

309. According to a witness, over 1,000 Serbian irregular forces, 150 soldiers from Rajlovac and Butile barracks, and 80 SDS extremists, entered Ahatovići and Dobroševići in south-east BiH on 1 June 1992 and killed approximately 20 Muslim men. The Serb forces also wounded several others and looted and set fire to Muslim homes. On 2 June 1992, Serb extremists mined and destroyed the mosque in Ahatovići. During the Serb attack, Serbian irregulars, under the command of Joja Tintor, also captured 400 women and children and 80 men. 588/

310. Previously, Serb forces captured 150 people from the villages Dobroševići, Bojnik, and Mihaljevići in Vogošća, BiH. The Serb forces beat 15 of the men, and eventually transferred them to Rajlovac, where they were held for 12 days. In Rajlovac, Serb guards beat and killed one of the prisoners. A named guard took 55 prisoners by bus to a supposed prisoner exchange. However, when the bus reached Sokolina, near Srednje, the Serb guards left the bus. Serbs troops in the surrounding hills then fired on the bus with rocket launchers, bazookas, and infantry weapons. Forty-seven of the prisoners reportedly died in the attack. 589/

Name of Unit: Commander Turtle's Units

Ethnicity: Serbian

Uniform: N/A

Number of Troops: N/A

Origin: N/A

Area(s) of Operation: Foča, Višegrad and Čajniče Counties, BiH

Political Affiliation: N/A

Leader(s): A man identified by the pseudonym of Duško Kornjača ("Commander Turtle")

Alleged Members: N/A

Source(s): Peter Maas, "In Bosnia War, A Serb Doctor Becomes 'Commander Turtle,'" Washington Post, 12 September 1992, available in LEXIS News Library, Curnws File.

Alleged Activity:

311. "Duško Kornjača", 590/ a doctor, is allegedly a Bosnian Serb warlord who fought under the name of "Commander Turtle". He also held the titles of "Defence Minister of the Serbian Autonomous Region of Hercegovina" and "Commander of the Čajniče War Committee". As of September 1992, he was the boss of portions of eastern BiH, including Foča and Višegrad. 591/

Name of Unit: Užice Corps

Ethnicity: Serbian

Uniform: Stocking masks

Number of Troops: N/A

Origin: Užice, Serbia, FRY

Area(s) of Operation: Goražde County, BiH

Political Affiliation: N/A

Leader(s): N/A

Alleged Members: N/A

Source(s): Supplemental US Submission of Information to the Commission of Experts, 12 April 1993, IHRLI Doc. No. 11912-11946, at 11921.

Alleged Activity:

312. A witness stated that in May 1992, the Užice Corps shelled the Hotel Drina in Goražde, which housed refugees, including women and children. According to the witness, masked paramilitary forces harassed the Muslim citizens of Goražde for months. In mid-June, the witness saw Serbian forces in a settlement at the base of the Površnica mountain killing Muslims and throwing the corpses into the Drina River. 592/

Name of Unit: Velebit Unit (Velebitska Jedinica)

Ethnicity: Serbian

Uniform: N/A

Number of Troops: N/A

Origin: N/A

Area(s) of Operation: Gračac County, Croatia

Political Affiliation: N/A

Leader(s): N/A

Alleged Members: An identified man, whose name is not disclosed for confidentiality and prosecutorial reasons

Source(s): Report of the Republic of Croatia Pursuant to the United Nations Security Council Resolution 780 of 5 October 1992, IHRLI Doc. No. 2794-2984, at 2894.

Alleged Activity:

313. On 20 July 1991, a named man and nine other members of the Velebit Unit allegedly shelled Lovinac in the municipality of Gračac, killing one local woman. According to a report of the Republic of Croatia, they attacked Lovinac again on 5 August. One civilian was killed, and a reserve policeman and a civilian were wounded. The perpetrators also caused significant property damage in the attack. The members of the Velebit Unit kidnapped five villagers from their houses and killed them about two kilometres from Lovinac, in the direction of Raduča. 593/

Name of Unit: Višegrad Militia

Ethnicity: Serbian

Uniform: White ribbons tied around the arms.

Number of Troops: N/A

Origin: Serbia and Višegrad County, BiH

Area(s) of Operation: Višegrad County, BiH

Political Affiliation: N/A

Leader(s): N/A

Alleged Members: N/A

Source(s): State Commission for Gathering Facts on War Crimes in the Republic of BiH, Bulletin, No. 3, March 1993, IHRLI Doc. No. 29841-29884, at 29864.

Alleged Activity:

314. A witness stated that he narrowly escaped when the house where he was detained was set afire by Višegrad Militia guards. The witness stated that many other prisoners died in the fire. On 13 June 1992, Radomir Djurić reportedly came to Koritnik and told the Muslims there that they would be evicted. The next day, men in camouflage with white ribbons tied to their upper arms entered the village and loaded 57 civilians onto buses which headed towards Višegrad. At a Serbian checkpoint on a bridge outside Višegrad, the civilians were searched and forced to surrender their money and jewelry. The prisoners were then transferred to a house where the women were taken for what the guards called "interrogations". 594/

315. The witness claimed that there were already five prisoners in the house near the checkpoint where the villagers were detained. At 10:30 a.m., one of the guards threw a torch into the house and fired his machine-gun into the rooms holding prisoners. The witness escaped through a window and ran. In the field behind the house, he was fired upon, pretended he was shot, and lay as if dead. Throughout the night, he heard machine-guns firing and suspects that none of the other prisoners survived. 595/

Name of Unit: The Visors

Ethnicity: Serbian

Uniform: N/A

Number of Troops: N/A

Origin: N/A

Area(s) of Operation: Glina County, Croatia

Political Affiliation: N/A

Leader(s): An identified man, whose name is not disclosed for confidentiality and prosecutorial reasons

Alleged Members: N/A

Source(s): Report of the Republic of Croatia Pursuant to the United Nations Security Council Resolution 780 of 5 October 1992, IHRLI Doc. No. 2794-2984, at 2886.

Alleged Activity:

316. According to a report from the Republic of Croatia, 22 Croatians, mostly elderly people, were killed in Glinska Joševica village on 16 December 1993, by a special Territorial Defence unit, the Visors. The victims were killed in their own homes with guns fitted with silencers. The Croatian report claims that Serbian authorities in Glina initiated that attack as revenge for the death of 19 members of Territorial Defence units, killed in battle with the Croatian Army. 596/

Name of Unit: Weekenders (Vikendaši)

Ethnicity: Serbian

Uniform: N/A

Number of Troops: N/A

Origin: Bijeljina County, BiH

Area(s) of Operation: Brčko County, BiH

Political Affiliation: N/A

Leader(s): N/A

Alleged Members: N/A

Source(s): US Department of State, 1993, IHRLI Doc. No. 34165-34203, at 34186.

Alleged Activity:

317. According to the US Government, the Weekenders are a group of Serbian men from Bijeljina who went to Brčko each weekend to plunder and vandalize. Apparently, they began raiding Brčko in May 1992, after the Arkanovci and the JNA attacked the town. They continued their raids during the entire time that the JNA occupied Brčko. 597/

Name of Unit: White Eagles (Beli Orlovi)

Ethnicity: Serbian

Uniform: Camouflage with white eagle patches or white bands on the shoulders; also military and civilian clothes with headbands and hats bearing Kokarda insignia; former JNA Young Officer and Squad Leader uniforms

Number of Troops: N/A

Origin: N/A

Areas of Operation: Vukovar County, Croatia and Bileća, Gacko, Višegrad, Bosanska Krupa, Banja Luka, and Prijedor Counties, BiH

Political Affiliation: N/A

Leader(s): Nine identified men, whose names are not disclosed for confidentiality and prosecutorial reasons

Alleged Members: Nineteen identified men, whose names are not disclosed for confidentiality and prosecutorial reasons

Source(s):

Republic of BiH, Letter from President Alija Izetbegović to U.N. Security Council, 4 September 1992, IHRLI Doc. No. 91.

Republic of BiH, Report from Ministry of Internal Affairs, Security Service Centre, 22 September 1992, IHRLI Doc. No. 35683.

Republic of BiH, Report from Ministry of Internal Affairs, State Security Department, 7 October 1992, IHRLI Doc. No. 33299, 33248.

Ludwig Boltzmann Institute of Human Rights, Report on 'Ethnic Cleansing Operations' in the North-Eastern Bosnian City of Zvornik, 6 April 1994, IHRLI Doc. No. 63984-64023, at 63996.

Republic of Croatia, Report Submitted to the Commission of Experts, 5 October 1992, IHRLI Doc. No. 2842.

US State Department, Supplemental US Submission to U.N. Security Council, 12 April 1993, IHRLI Doc. Nos. 11915, 11916, 11922, 11923, 11925, 11945.

Croatian Information Centre, Croatia-BiH: War Crimes Committed by the Yugoslav Army, 1991-1992, IHRLI Doc. No. 15123.

Croatian Information Centre, Written Statement, 3 November 1993, IHRLI Doc. No. 11663, 11679.

State Commission for Gathering Facts on War Crimes in Republic of BiH, Bulletin, February 1993, IHRLI Doc. No. 29819.

State Commission for Gathering Facts on War Crimes in Republic of BiH, Bulletin, March 1993, IHRLI Doc. No. 29843.

Canadian Croatian Information Congress (Ontario), Undated Report, IHRLI Doc. No. 43864, 43892.

European Community Monitoring Mission, Report on Inter-Ethnic Violence in Vitez, Busovača, and Zenica - April 1993, 17 May 1993, IHRLI Doc. No. 20271-20512.

European Community Monitoring Mission, Report of Gacko Region, 27 January 1993, IHRLI Doc. No. 5892-95, 6594-6595.

An official source, IHRLI Doc. No. 29762.

Letter from Danny Hynes, DHRC Belgrade, to Kim Steendahl, HQ ECMM Info Section, in Submission from Kim Steendahl to the Commission of Experts (1 July 1993), IHRLI Doc. No. 25124-25164, at 25126.

Department of State, Submission to the U.N. Commission of Experts, IHRLI Doc. No. 54458-62864.

Alleged Activity:

318. A named man allegedly gathered and trained forces called the White Eagles to operate in BiH as the paramilitary wing of the Serbian Peoples' Renewal Party (SNO). Apparently, the SNO volunteer troops never fought in BiH or Croatia. However, paramilitary groups with no formal link to the SNO co-opted the name "White Eagles" and operated independently during the conflict. 598/ White Eagles groups allegedly operated in Bileča, Gacko, Višegrad, Bosanska Krupa, Banja Luka, Prijedor, and Zvornik Counties in BiH. White Eagles also allegedly participated in attacks in Vukovar County, Croatia.

319. White Eagles reportedly worked with the JNA, Užice Territorial Defence Forces, Dušan the Great, Arkanovci, Martićevci, Šešeljovci, Nikšić Special Forces, Serbian Democratic Party (SDS) forces, SUP, and local police. In Vukovar, the White Eagles and other groups reportedly received weapons from the JNA. 599/ White Eagles units reportedly targeted Muslim and Croatian civilians and rarely engaged enemy soldiers. 600/ The White Eagles allegedly beat, raped, and killed Muslims and Croats on the roads, in villages, and in camps.

320. White Eagles units allegedly entered Gacko in March 1992 with the JNA, SUP, Nikšić Special Forces, an "Interviewing Platoon", and local police. 601/ The Serbian forces blockaded the city, detained civilians at the Hotel Rudnik or at the Gacko power plant, and destroyed Muslim cafes, shops, homes, and cars. 602/ Members of the paramilitary units searched the hills around Gacko on foot 603/ and pounded the forests with artillery. 604/

321. In late June, the paramilitary forces told the Muslim civilians that they were free to leave Gacko. 605/ However, approximately six kilometres outside the town, the White Eagles robbed and beat the fleeing Muslims. One of the Muslim men was reportedly burned alive. 606/ The Serbs then returned the civilians to the Gacko "prisons" where, according to witnesses, some were tortured, disfigured, and killed by the guards. 607/ Muslim women and girls were allegedly killed in the woods or raped at the Košuta Motel. 608/

322. According to the European Community Monitoring Mission, the Interviewing Platoon and the White Eagles, who together ran operations in Gacko, maintained headquarters at the Hotel Rudnik, 609/ the Košuta Motel, and the Gacko police station. 610/ Paramilitary leaders in Gacko were reportedly Veljo Lojević (Deputy), Vojin Popović (Chief of Police), Milan Vuković (Inspector), Ranko Vujović (Policeman), and Ozren Govedarica (leader of the White

Eagles). 611/

323. White Eagles allegedly participated in "ethnic cleansing" in Rodić Brdo near Višegrad. 612/ They worked as part of the Užice Corps from early April until the end of May 1992 with the JNA, Užice Territorial Defence Forces, and other Serb reservists. 613/ In April, the Užice Corps set up roadblocks and surrounded the village. Working from a list, they arrested the prominent Muslim civilians of the town and took them away. 614/ The village fell under full control of the White Eagles on 25 May 1992.

324. White Eagles arrested, interrogated, and killed Muslims in the villages of Grbavica and Kremaluša. 615/ They came to these villages in early April and May 1992. 616/ In Grbavica, the White Eagles reportedly killed the villagers and burned the corpses with the houses. 617/ In Kremaluša, they surrounded the village, opened fire on the people with machine-guns and mortars, and burned the houses. 618/ White Eagles units allegedly performed similar operations in Banja Luka, Bosanska Krupa, Novo Brčko, Filipovići, and Lovas. 619/

325. According to the Ludwig Boltzmann Institute, White Eagles participated in an attack on Zvornik in April 1992 as part of a paramilitary force consisting of Arkanovci, Šešeljovci, Dušan the Great, Draganovci, the Vukovar Unit, and others. 620/ The troops reportedly stayed in the Alhos and Jezero hotels. The White Eagles allegedly participated in the second wave of the attack and concentrated on the city of Zvornik and the later assault on Kulagrad. They were involved in the shelling, siege, and occupation and primarily responsible for arrests, deportation and looting. The report states that the White Eagles were often drunk and "provocative" and that they drew white eagles on houses and storage buildings. 621/

326. Allegedly the White Eagles' attack on Zvornik originated from nearby villages, across the BiH border with Serbia. Witnesses stated that the White Eagles wore mixed and matched JNA uniforms, which they modified by sewing white eagle badges on the caps and upper-arms. 622/

327. At Prnjavor Camp in Krajina, members of a White Eagles paramilitary unit beat and killed two prisoners, one on 17 May and the other on 6 June 1992. 623/ At a detention camp in Bileća, White Eagles beat a Serb guard severely after he threw away the keys to the prison cells to prevent the White Eagles from beating the prisoners. Because they could not enter the cells, the White Eagles reportedly bombarded the prison with tear gas for five hours. 624/ White Eagles also reportedly operated at the Keraterm and Stara Gradiška camps. 625/

328. Reports submitted to the Commission of Experts document White Eagles operations in the following locations: Banja Luka, Bileća, Bosanska Krupa, Bravnice, Brčko, Dušče, Gacko, Grbavica, Jeleč, Kotor Varoš, Kozarac, Kremaluša, Lovas, Paklenica, Filipovići, Prijedor, Rodić Brdo, Teslić, Trnopolje, Trošanj, Vukovar, and Žepa.

329. Documents report White Eagle activity in the following camps: Prnjavor Camp, Keraterm Camp, Stajićevo Camp, Stara Gradiška Camp.

330. The White Eagles also allegedly operated at the Hotel Rudnik and the Motel Košuta.

D. Paramilitary groups from outside the former Yugoslavia

Name of Unit: Garibaldi Unit

Ethnicity: Italian

Uniform: N/A

Number of Troops: N/A

Origin: Italy

Area(s) of Operation: Zadar County, Croatia

Political Affiliation: N/A

Leader(s): N/A

Alleged Members: N/A

Source(s): "Croatian Serbs 'Recruit Italian Fighters'", The Independent, 21 October 1993, at 12.

Alleged Activity:

331. An uncertain number of Italians fought in Croatia on behalf of Serbian paramilitary commanders. 626/ Captain Dragan, a Serbian commander, claimed that he deployed the Italian unit in the Velebit mountains north of Zadar, Croatia. The Belgrade news agency, Tanjug, reported that the unit carried out reconnaissance and sabotage missions behind enemy lines. 627/

Name of Unit: Russian Mercenaries

Ethnicity: Russian

Uniform: Black uniforms with black berets or flight caps

Number of Troops: 150

Origin: Russia

Area(s) of Operation: Eastern BiH, including Bijeljina County

Political Affiliation: N/A

Leader(s): N/A

Alleged Members: N/A

Source(s): US Department of State, 1993, IHRLI Doc. No. 62612-877, at 62735-62737.

Alleged Activity:

332. Croatian prisoners in Serb-run detention camps reported the presence of Russian troops in eastern BiH in February 1993. The prisoners were working as forced labourers for the Bosnian Serb army on the front line on Majevica Mountain. Sometime between 15 February and 3 March 1993, prisoners from the Batković detention camp were allegedly told not to go near the radio and television relay tower on the mountain because it was the headquarters for Russian soldiers aiding the Bosnian Serbs. A Serb guard reportedly said that the Russians, none below the rank of captain, deserted the Russian military when Boris Yeltsin came to power and belonged to a special unit of the Soviet Ministry of Defence. 628/

333. One morning between 20 February and 23 February, Croatian prisoners working on Majevica Mountain observed about 17 of the Russian soldiers, carrying AK weapons, returning to their base from the direction of Tuzla. The Russians were reportedly dressed in all-black, one-piece uniforms, and some wore black berets or flight caps. Serb guards said that the Russians had volunteered and received 200 Deutsche Marks monthly. 629/

334. Russian soldiers were also allegedly present at the Stepa Stepanovic barracks and prison in Bijeljina in February 1993. A prisoner questioned one of the guards about Russian voices outside his cell. The guard indicated that 150 Russians had arrived in BiH to help the Serbs and that more were on the way. The guard also allegedly told the prisoner that the Russians were veterans of the fighting in Afghanistan, and that they had volunteered but were paid based on the territory they captured. According to the guard, one group of the Russian soldiers was to go to Maslenica, Croatia, with the forces of Arkan and Šešelj, while another group would remain in BiH. 630/

IV. ANALYSIS OF REPORTED PARAMILITARY ACTIVITY BY GEOGRAPHIC LOCATION

A. BiH

1. Banja Luka County 631/

335. Banja Luka county is in the north-west quarter of BiH. According to the 1991 census, the county had a population of 195,139, of which 54.8 per cent were Serbian, 14.9 per cent Croatian, 14.6 per cent Muslim, 12 per cent described themselves as "Yugoslavs", and 3.7 per cent as "other". 632/

336. During January and February 1993, while Serbs were seeking international relief to feed their people and rebuild ravaged towns in northern BiH, a campaign of violence was renewed against Muslims and Croats in that area. Leaders of both the Muslims and Croats have placed blame for these attacks on Šešelj and Arkan, whose units had been moving into the Banja Luka area in large numbers. 633/ The SOS (Srpske Oružane Snage) paramilitary group, whose members had originally come to BiH as Arkanovci, was also reported to be present in Banja Luka. 634/

337. In early February, 11 Muslims were killed and several others were choked to death by cables. Muslim homes were under attack and many people were fired from their jobs. 635/

338. Croats were also being pressured to leave the Banja Luka area. Homes were being blown up and robbed by unidentified armed men who told the Croat residents to "go away". Like the Muslims, many Croats were dismissed from their jobs. Four Croats were killed in early February, six homes were burned down, and one woman was raped. 636/

339. The nearby village of Čelinac experienced a similar fate. Muslims in that village were subjected to numerous restrictions forbidding them to drive, patronize businesses, make out-of-town phone calls or leave their homes between 4:00 p.m. and sunrise. Serb forces broke into Muslim homes each night, took away the men, and demanded that all money be turned over. Others were dismissed from their jobs. 637/

340. In March of 1993, Šešelj allegedly visited Banja Luka with his private guard force, the White Eagles. He stated in local media interviews that he intended to geographically unite the Serbian populations of Knin, Banja Luka, the Baranja region, and Montenegro. The visit was part of Šešelj's failed attempt to wrest power from the local SDS leader, Radovan Brdjanin. 638/

341. During the first week of May 1993, two of Banja Luka's mosques, Ferhad Paša and Arnaudija, both built in the 16th Century, were reduced to ruins by Serb gunfire and dynamite. Two weeks before the explosions, while standing before the two mosques, Šešelj was reported to have said, "Is it possible that they are still standing?" 639/

2. Bihać County 640/

342. Bihać County is in the north-west corner of BiH. According to the 1991 census, Bihać had a population of 70,896. The population was 66.6 per cent Muslim, 17.8 per cent Serb, 7.7 per cent Croat, 6 per cent "Yugoslav", 1.9 per cent "other".

343. UNPROFOR reported the presence of Muslim paramilitary units called the White Pumas in Bihać in December 1992. 641/

3. Bijeljina County 642/

344. This county is in the north-east quarter of BiH with Serbia on its eastern border. According to the 1991 census, of its population of 96,796, 59.4 per cent was Serbian, 31.3 per cent Muslim, 4.4 per cent "Yugoslav", and 4.9 per cent "other".

345. Arkan was reportedly in the town of Bijeljina for about one month preparing his battle plans before the April 1992 attack. The attack began when a grenade was thrown into a Muslim-owned cafe. 643/

346. In the first week of April 1992, approximately 1,000 soldiers from Arkan's units crossed the Drina River from Serbia and entered the town of Bijeljina. The soldiers wore black uniforms and stocking caps and had unidentified small arms, at least one anti-aircraft gun, light armoured and regular transport vehicles. They were supported by an unknown, large number of local Serbs drawn from the area's Serbian population of approximately 45,000. 644/ Other reports indicate that in April 1992 Arkan bombarded Bijeljina with mortars supplied by the Yugoslav army. 645/ Another report confirmed that the units which attacked Bijeljina in April 1992 belonged to Arkan and referred to his men as the best trained and equipped Serbian force. 646/

347. Muslim defence units in Bijeljina fought back. The battles engulfed the town for three days and nights. Arkan captured the radio station and reportedly broadcast calls for Muslims to surrender their weapons. 647/

348. On 2 April 1992, Belgrade Radio Belgrade Network reported that most of Bijeljina had been "liberated" that afternoon by members of the Serbian National Guard of Semberija and Majevica, in cooperation with Serbian volunteers, Arkan's men, and the Serbian "radicals". A curfew had been imposed, and hold-outs were encouraged to surrender arms. Shooting could still be heard, according to the report, because "the last Muslim strongholds [were] being mopped up". 648/

349. According to a Zagreb Radio Croatia Network report, on the night of 2 April 1992, a delegation of the BiH Presidency and Government managed to approach Bijeljina but was unable to enter the town. Presidency member Fikret Abdić, Deputy Prime Minister Miodrag Simović, and Defence Minister Jerko Doko met near Bijeljina with Arkan but returned afterward to Sarajevo. Reportedly, the SDS crisis committee for Bijeljina said that the guard of the "Serbian Autonomous Region of Semberia" was controlling Bijeljina with the help of Arkan's units. 649/

350. A number of reports stated that Arkan's troops harmed residents and property after capturing the town. According to one report, Arkan's men roamed Bijeljina after it fell, shooting young men suspected of carrying arms. Yugoslav army troops at the local barracks did not intervene. They later issued a statement that they had received no orders from Belgrade to do so. 650/ One report says that citizens of Bijeljina phoned Sarajevo radio to say that Arkan's people were terrorizing the town, breaking into apartments, searching for arms and robbing and harassing citizens. 651/ In another report, residents of Bijeljina said that in the first week of April 1992 Serbian paramilitary troops belonging to Arkan and Jović harassed the town's population. 652/

351. It was reported that sporadic gunfire continued on 4 April 1992. 653/

352. A local newspaper reportedly published photographs of Arkan in war-torn Bijeljina. 654/ It is alleged that Arkan warned local Muslim defence units in other towns that if they did not surrender they would suffer "the same fate as the people in Bijeljina". 655/

353. Reportedly thousands of refugees fled from Bijeljina into Serbia. 656/ A May 1992 report describes a Bijeljina of bloodstained walls, families huddled in basements, dwindling food supplies, and the sounds of mortar explosions. 657/ The SDS crisis committee for Bijeljina reportedly placed the death toll at 20 and claimed scores of wounded. 658/ However, at least 42 bodies were recovered and identified in the town, 40 of which were described as Muslim. 659/

354. For approximately one month after the initial takeover of Bijeljina, there was an internal dispute between Arkan and the leader of the local Serbian paramilitary led by Mirko, the owner of the Serbia Cafe near the bus station. Apparently Arkan had promised control of the town to Mirko but did not turn it over quickly enough. Arkan's and Mirko's men worked separately in the town for this month. According to this report, it was Mirko's men, not Arkan's that were primarily responsible for the killing, raping and looting in Bijeljina. 660/

355. It was reported that Bosnian Serb citizens from Brčko and Tuzla began moving into Bijeljina and occupying Muslim homes vacated in the attack on the city. Reportedly, these moves were arranged to minimize Serbian civilian casualties in the military activities in Brčko and Tuzla in late April and May of 1992. To obtain exit permits from the area, Bosnian Muslims were forced to sign documents deeding their property to Bosnian Serbs. In mid-June 1992, the Serbian authorities stopped issuing these permits, and approximately 2,000 elderly Muslims remained in the town. 661/

356. As of 23 September 1992, Arkan and Mirko had turned Bijeljina over to the SDS. 662/

357. In a December 1992 interview, Arkan said that he was "invited" by local Serbs to put down a Muslim uprising before it began in Bijeljina. 663/

358. A May 1993 report described Bijeljina as under Serb control, with few signs of the "massacre", which had taken place over a year earlier. The report says that mosques had been blasted and trees planted in their place. 664/

359. In October of 1993, however, the reports of expulsions of non-Serbs continued. Those remaining Muslims and Croats in Bijeljina (estimates put the number at around 5,000) were still being harassed by the "population exchange commission", headed by Major Vojkan Djurković of the Arkan forces. Those who were able to arrange for passage out of the city have provided accounts of their forced evictions. Some were given less than 15 minutes to pack their bags. They were then transported to the agricultural school on the edge of Bijeljina, where they were forced to hand over all possessions, including their house keys. From there, the displaced civilians were taken to BiH territory and forced to cross a minefield on the front lines of Tuzla in order to reach safety. One report notes that every few nights nearly 40 Muslims were taken away by Serbs in this manner. 665/

360. Another technique to eject Croats and Muslims reportedly employed by the exchange commission is the movement of Serb refugees into Muslim and Croat homes. 666/ This process is called "cuckoo's nesting". Officials set the maximum amount of living room allotted to each civilian. This is called the "rationalization of living space". Any non-Serb found to exceed their

specified amount must accept Serb refugees into their homes. The resulting tension between the two cultural groups often compels the non-Serbs to leave their own homes. 667/ Those individuals who are not "exported" in one of these ways are often duped into paying up to 500 DM to phony travel agencies who arrange for individuals to be left at the Serbian-Hungarian border. 668/

361. Major Djurković has responded to the charges that these activities constitute "ethnic cleansing". Although he states that Muslims are leaving their homes voluntarily, he further notes that Bijeljina is situated on "sacred Serbian land". Djurković claims to have "thousands of Muslims separated by the conflict". 669/ Furthermore, the Belgrade-based Humanitarian Law Fund reveals that Bosnian Serb leadership has set a quota for the Bijeljina area, whereby only 5 per cent of the region's 22,000 Muslims will be permitted to remain. 670/

4. Bileća County 671/

362. Bileća county is in southern BiH. In 1991, it had a population of 13,269 with 80.3 per cent Serb, 14.7 per cent Muslim and 5 per cent "other".

363. The White Eagles, or Beli Orlovi, is a Serbian paramilitary group which reportedly operated at the Bileća camp between August and October 1992. One particular incident involving the White Eagles occurred on 5 September between 9:00 p.m. 12:00 a.m. Here, members of the group shot and threw tear gas in the windows of a cell holding Muslims for nearly five hours because they could not get inside. Apparently, the Serb prison guard had thrown away the key to prevent the White Eagles from entering and was severely beaten for doing so. 672/

5. Bosanska Krupa County 673/

364. Bosanska Krupa is a county in the north-west of BiH. In 1991, it had a population of 58,212. Of this population, 74.5 per cent were Muslim, 23.6 per cent Serb, and 1.9 per cent "other".

365. Two Croatians report that they were severely beaten with sticks, baseball bats, metal rods, and a thick rope soaked in water by five members of the White Eagles. This beating occurred in June 1992, while the witnesses were in custody of "the Serbs" in Bosanska Krupa, and lasted for approximately two hours. 674/

6. Bosanska Rača (county unknown)

366. Arkan's men controlled the bridge over the Sava River in Bosanska Rača. Every Bosnian who wanted to cross the bridge into Serbia was forced to pay 500 to 800 DM. These operations were also practised across the Drina River. Serbs operated small boats for a fee of up to 1,000 DM per person to cross the river. Serbs would rob Muslims under the guise of aiding their "voluntary resettlement". 675/

7. Bosanski Brod 676/

367. Bosanski Brod is in the northern region of BiH, bordering Croatia at the county of Slavonski Brod. Its population in 1991 was 33,962, with 41 per cent Croat, 33.8 per cent Serb, 12.2 per cent Muslim, 10.6 per cent "Yugoslav", and

2.4 per cent "other". There are reports of both Serb and Croatian paramilitary activity in this region.

(a) Serbian paramilitary activity

368. The SOS (Srpske Oružane Snage) came to BiH from Serbia as part of Arkanovci but later separated from them and operated as an independent entity in Bosanski Brod and the surrounding region. 677/

(b) Croatian paramilitary activity

369. There are reports of the HOS (Hrvatske Oružane Snage) and the forces of the CDU (Croatian Democratic Union) operating in the Bosanski Brod area.

370. The HOS was formed in 1991 as the paramilitary wing of the Croatian Party of the Right (HSP) and later combined with the Croatian Defence Council (HVO) under the HVO banner. 678/ The HOS had both Croatian and Muslim members who acted together against Serbian civilians and paramilitaries. They are reported to have acted in the Bosanski Brod region. 679/

371. The CDU is a Croatian paramilitary group which allegedly killed, raped, and tortured prisoners at the detention camp of Tulek in Bosanski Brod. Apparently, prisoners were used for digging trenches, clearing minefields, and other war operations. 680/

8. Bosanski Novi County

372. Bosanski Novi is in the north-west corner of BiH. According to the 1991 census, it had a population of 41,541. The population was 60.4 per cent Serb, 33.9 per cent Muslim, 3.7 per cent "Yugoslav", and 2 per cent "other".

(a) Serbian paramilitary activity

373. The Fifth Kozarac Brigade from Prijedor and the 6th Krajina Brigade from Sanski Most are two Serbian organizations alleged to have operated together in the Ljubija region. The Croatian Information Centre reports that these forces attacked the villages of Stara Rijeka, Briševo, Raljaš and Čarakovo. Over 3,000 Serbs participated in this large-scale attack, in which 73 Croatian civilians were killed. 681/

(b) Croatian paramilitary activity

374. The Croatian Defence Forces (HOS) headquarters are said to have been formally located at Ljubuški. 682/

9. Bosanski Šamac County 683/

375. Bosanski Šamac is in the north-east quarter of BiH with Croatia on its northern border. As of 1991, the county's population was 32,835 of which 41.5 per cent was Serbian, 44.7 per cent Croatian, 6.5 per cent Muslim, and 7 per cent "other".

376. On 19 March 1992, Arkan's forces surrounded a police station in Bosanski Šamac. They allegedly demanded as an ultimatum that the police return the

automatic pistols with silencers which had been confiscated the day before from members of the Yugoslav Army and "Četnik formations". Apparently, the "Četnik formations" had been walking around the city in civilian clothing armed "to the teeth". 684/

377. Reportedly, a top-level Serbian army military plan of attack for this county, prepared in several versions, with the classification "NATIONAL DEFENCE-STATE SECRET" and the code name "MOST", was found on a high-level Yugoslav army officer. The plan established two possible courses of action for capturing villages in the region. On the one hand, Serbs could organize a wedding in a town and try to enter the town by making use of false documents and vehicles with Mostar license plates. The vehicles would contain coolers in which weapons would be hidden. On the other hand, Serbs could make use of officially custom-sealed truck cabs containing Serbian "commandos". Military analysts allegedly associated these plans with the tactics involving plain clothes which have been implemented by Arkan and his troops. 685/

378. On 17 April 1992, regular Serbian soldiers and Šešelj's men occupied Bosanski Šamac and imprisoned wealthy and politically involved Muslims. The prisoners were beaten with wooden sticks, truncheons, and shovels. At least seven died and seven others are still missing. 686/

379. It was reported that the SOS paramilitary group, led by Crni and Lugar, was also in Bosanski Šamac. The report, however, did not specifically provide the dates they were there nor did it describe their activities. 687/

10. Bratunac County 688/

380. Bratunac County is located in eastern BiH, bordered by Serbia. In 1991, the population was 33,575, of which 41.5 per cent were Serbian, 44.7 per cent Croatian, 6.8 per cent Muslim, and 7 per cent "other".

381. On 5 May 1992, Arkan's and Šešelj's troops surrounded the entire village of Bratunac and upon their attack, 10,000 Muslims reportedly fled small towns along the Drina River. 689/ The villages of Hrača, Glogovo, and Mihaljevići were burned. During the attacks, an estimated 500 Muslim houses were burned, and 50 people killed. The bodies of the villagers were found on the banks of the Drina. 690/ Two thousand Muslims were arrested on 9 May 1992. 691/ Some were taken to the police station, which was then allegedly under the control of Arkan and Šešelj, aided by the army. 692/

382. On 10 May, Serbian troops placed 4,000 to 5,000 civilians in a newly established concentration camp at the FC "Bratstvo" stadium. Others were taken to the playground. Civilians were separated by gender, and the male Muslims were transported to the elementary school Vuk Karadžić, where a number of men were beaten. One report states that between 600 and 700 male Muslims were moved to Vuk Karadžić Primary School Sports Centre. 693/ Arkan's and Šešelj's military troops and local "Četniks" tortured and killed scores of them. The torture included beatings with iron rods and wooden poles. Some prisoners were taken to an "investigation room" where they were forced to trample over their fellow inmates' dead bodies. Mutilation also occurred; ears, noses and genitals were cut off, and the sign of the cross was cut into prisoners' flesh. While being tortured, the prisoners were made to sing Četnik songs. Most were killed by gunfire, but in one day it is alleged that up to 150 people were killed from beatings. Reportedly, individual perpetrators were responsible for the deaths of 20 or more people. The corpses were eventually thrown into the Drina River. 694/

383. Eventually the remaining Muslims were brought to the playground, where Arkan and Šešelj's men stripped them of all personal property. 695/ They were then separated by gender and the women were taken to Kladanj by bus, while the men were returned to the elementary school to be beaten and tortured. Between 30 and 50 of the men were killed. A Muslim priest was stabbed to death in front of 600 other prisoners for refusing to accept the Christian faith and make a Serbian sign. The surviving prisoners were then transported to Pale, where the prisoners were forced to watch the bodies of dead prisoners being burned. One estimate put the death count at 300. Other killings took place near the River Križevica-Podgorac and in the quarry near the Drina. Eventually, prisoners were released as part of an exchange at Vratnica and Visoko. 696/

384. Reportedly, on 23 May 1992, local paramilitary forces commanded by an identified man killed 70 Muslims in front of the mosque in the village of Glogova. 697/

11. Brčko County 698/

385. This county is located in north-eastern BiH, bordered to the north-east by Serbia. According to the 1991 census, Brčko had a population of 87,332, of which 20 per cent was Serbian, 25 per cent Croatian, and 45 per cent Muslim.

386. Brčko was overrun by JNA forces in late April and May of 1992. Some reports hold an identified officer of the JNA responsible for heading up the offensive, 699/ while other reports note that Arkan was in charge of the operation. 700/ Explosions destroyed both bridges in Brčko over the Sava River causing the death of 30 to 50 civilians.

387. After the shelling, troops under an identified commander as well as local mobilized Serbs occupied the town. Successive waves of military and paramilitary groups came to the city, and it appeared that a different group, including Šešelj's men, was in control every few days. Martić's units from Bosanska Krajina were the last to hold the city. 701/

388. During this time, a Serbian group called the Weekenders (Vikendaši) went to Brčko each weekend, plundering and vandalizing. They began arriving via Bijeljina in May 1992 and continued to come during the entire time that the JNA occupied the town. 702/

389. During the first 15 days of May, the Muslim males were put under house arrest and subjected to weapons searches and registration. The actual rounding up of the Muslim population began in the village of Gluhaković, close to Brčko. Survivors were taken to one of two collection points, the "Bimal" factory or the "Autoprevoz" complex. These prisoners were then taken to Luka Camp. 703/

390. One witness statement noted that between 150 and 200 men were detained at a mosque for two days before being taken to Luka Camp. 704/ At the mosque, a man identified all SDA party members, and those individuals were killed by Arkan's men on the spot. 705/ The witness also reported that he saw between 300 to 400 persons executed in the town square, under the order of the head of police and the deputy head of police.

391. One witness reported that reservists from Bijeljina killed 150 unarmed Muslim and Croat civilians on 2-4 May 1992. They found the civilians on the street, interrogated them, and then shot them. At the same time, a JNA commander allegedly told the group not to kill people in the centre of town, only on the front line. One reservist was also reported to have participated

in the tortures and killings at Luka Camp. 706/

392. A Muslim man from the Meraja-Rosulja section of Brčko had allowed 35 people to take refuge in his basement during the onslaught. Eventually they surrendered and were taken to the local medical clinic. The men were then taken to the mosque, and the women and children were later dispersed to predominantly Muslim villages in the Brčko municipality. The 50 remaining men were taken to the JNA military barracks gym and beaten by Arkan's and Šešelj's units at about 11:00 p.m. on 1 May. Approximately 10 men were beaten in the hallway of the gym and never seen again. 707/

393. In one instance, the Serbians living in an apartment complex rounded up the Croats and Muslims living there and put them in the basement. After six days in the basement of the complex, these prisoners were turned over to Arkanovci. The Arkanovci transported the prisoners to the military casern in the centre of town. Here, the women and children were separated from the men and transported to the nearby town of Brezovo Polje. The men were held in the casern's movie hall. 708/

394. Thereafter, approximately 5,000 civilians from Brčko were taken by the JNA forces and Serb paramilitaries to the detention camps at Luka. The main camp facilities consisted of an old brick factory and pig farm. 709/ There may have been a total of 10 to 12 warehouses at the camp. 710/ The soldiers responsible for the camp, identified as Arkan's, used metal objects for beating prisoners and cut crosses into people's foreheads to indicate they should be beaten. 711/ One account stated that these men wore black berets. However, responsibility for the camp's administration was said to have changed every month. 712/

395. One witness reports being placed in a room of one of the camp warehouses, where 200 other prisoners were being interrogated and beaten by several individuals. 713/ In another account, 100 prisoners were said to be warehoused in one room. This witness related that none of the prisoners received food or water for the first four days of detention. All prisoners were beaten and mistreated, and some simply disappeared. Most of the abuses occurred near a manhole. The witness personally observed four people being killed and was himself interrogated and beaten by several Serbian individuals, one of whom was identified by nickname and was a member of Arkan's units. 714/ Another inmate corroborated the allegations of abuse, stating that 24 men were shot, including two of his friends. However, another prisoner stated that no one in his warehouse was killed, and inmates were only beaten if they had been accused of something. 715/

396. Some witnesses relate that up to 50 prisoners at a time were killed at the camp. 716/ Many of the killings were carried out in front of the detainees in the third hangar. 717/ The bodies were stacked behind the hangar and then taken away at night to be either dumped in the nearby Sava River or buried in a mass grave. The mass grave is said to consist of four sites situated 50 metres east of and behind a tavern called "Westfalia". It is on the road between Brčko and Brezovo Polje, in a wooded area across from the agricultural complex "Bimex". 718/ Still others were destroyed at a rendering plant which boiled animal remains to manufacture lard. 719/ Estimates put the death count at the Luka camp at 3,000, all of which occurred between 1 May and 7 June. Another source said that between 3,000 and 5,000 people were killed at Brčko in the month of July alone. Many of those who were not killed at Brčko were taken to a facility at Batković where the prisoners slept outside on concrete slabs and were forced to work in the nearby fields. A number of American news reports place the responsibility for these killings upon Arkan, his forces, and Šešelj. 720/

397. Cvijetin Maksimović was a brick-factory worker who served as a prison guard at the Luka Camp and is being held in a prison camp at Orošje for the crimes he committed during May and June of 1992 against Luka camp inmates. Maksimović substantiated the terrible conditions the prisoners at the camp underwent. He said 500 to 600 Croatians and Muslims slept on concrete floors and were fed one meal a day. He observed prisoners, classified by "Četniks" as "suspects", driven away for interrogation, and truckloads of as many as 90 dead bodies each shipped from the camp. Maksimović reported that Arkan's and Šešelj's forces, along with local Serb leaders, had free reign in the operation of the camp. As a mere guard, he was not allowed to enter the camp until he survived the Četnik "initiation rite". 721/

398. Slobodan Panić related similar experiences in the same news report. He was forced to rape five women or be killed. He was then ordered to shoot two men in the chest and slay two others with a knife. As with Maksimović, when Panić protested, a knife was placed in his hand and it was forced across one of the victim's throats by a Četnik. Both Panić and Maksimović fled the prison camp and were captured by Croatian patrol. They are now awaiting sentencing. 722/

399. The camp itself measured 230 by 150 metres and was surrounded by an electrified fence, fortified by mines. Prisoners were placed into one of three hangers: the first was 20 by 28 metres and housed up to 180 men, the second was 20 by 40 metres and housed up to 180 men, and the third was 20 by 40 metres and housed 300 men, women, and children. In the first hangers the detainees slept standing up. All detainees were permitted to use the washroom only once a day for no longer than a minute. In June, goats were brought into the hangers and lived with the detainees. 723/

400. During the same time period, 500 additional civilians were taken to the garrison that housed Arkan's and Šešelj's military formations. These prisoners were robbed and segregated by nationality and gender. Of these civilians, 474 were reportedly forced to beat each other to death. 724/ A major, identified by name, cut off the ear of one prisoner and forced another to lick the blood. In all, the prisoners were tortured for two days, which included placing a pistol in prisoners' mouths and using a bloodied comb to comb their hair. At the end of the two days, only 26 Muslims survived, and they were taken to Bijeljina and the Luka camp.

401. On 17 May 1992, Serb soldiers, wearing army uniforms and masks, entered the town of Brezovo Polje in Brčko County and rounded up all Bosnian Muslims. The able-bodied men were loaded onto buses and sent to Luka "for interrogation". One thousand women, children and elderly were packed into eight buses and driven around the countryside for two days. Arriving at the town of Ban Brdo, the group was held under armed guard in a parking lot for another four days without food or water. The Serbs invaded the buses each night and led women and girls off at gunpoint to be raped. The group was then taken to Caparde in Zvornik County, where 50 Serb irregulars, reportedly followers of Arkan, robbed the mothers and forcibly separated them from their daughters. The daughters were transported to the Osnovo furniture warehouse in Caparde, while the mothers were taken on another journey through the war zone. At the warehouse, the men selected the 40 "prettiest" young women and raped them in groups of ten. 725/ One of the perpetrators told his victim that Šešelj's men would have raped them "10 men to one woman". 726/

402. Meanwhile, the mothers had arrived in Tuzla on 23 June, their journey ending only after they were made to walk 12 miles through the war zone, where the path was littered with human corpses and animal carcasses. The daughters arrived four days later, after they were allegedly forced to walk across a

mined road. 727/

403. In March 1993, Sarajevo Radio Correspondent Salih Brkić reported that Serbian forces were "trying to take over the Vlasenica-Zvornik road" near Brčko and Gradačac, using multiple rocket launchers, mortars, and anti-aircraft guns. He noted that the Serbian forces were still holding up a humanitarian convoy that was meant to take wounded from Konjević Polje to Tuzla. Enormous losses sustained by Serbian forces prompted another 1,500 of Arkan's paramilitary troops to be mobilized to fight against the Bosnians. 728/

12. Čajniče County 729/

404. Čajniče is in eastern BiH, bordering Serbia. Of its 1991 population of 8,919, 52.9 per cent were Serb, 44.9 per cent Muslim, and 2.2 per cent "other".

405. Commander "Turtle's" units make up a Serbian paramilitary organization, which allegedly acted in Čajniče and other parts of eastern BiH. 730/ This group is under the command of a Bosnian Serb doctor, Duško Kornjača, who calls himself Commander Turtle. 731/ There are no details reported about their activities.

13. Derventa County 732/

406. Derventa is located in north-eastern BiH, bordered on the north by Croatia. Its 1991 population was 56,328, of which 40.8 per cent were Serbian, 39 per cent were Croatian, 12.6 per cent Muslim, and 7.6 per cent "other".

407. A man was arrested in mid-May 1992 in Derventa by one of Šešelj's men while trying to escort civilians over the Ukrajina River. Šešelj's men surrounded the party of 10 and they surrendered. This group was taken to an abandoned grain mill that held 50 other prisoners, male and female. Šešelj's men interrogated and beat the prisoners with heavy electric cable, truncheons, and the flat side of a sword. At least two prisoners died as a result. The man was held for 60 days in the mill, which did not have bathroom facilities and released through a prisoner exchange. 733/

408. The SOS paramilitary group was also alleged to have been active in Derventa, although the report did not provide any specific dates or incidents. 734/

14. Doboj County 735/

409. This county is located in north-eastern BiH. According to the 1991 census, the population was 102,546. Serbs comprised 39 per cent, 13 per cent were Croat, 40.2 per cent Muslim, 5.5 per cent "Yugoslav", and 2.3 per cent "other".

410. Arkan's paramilitary units, the White Eagles, and the JNA occupied Doboj in April and May of 1992. 736/ Other reports also indicate the presence of the Knindža Turtles, 737/ Red Berets, 738/ and Martić's Militia during the attack on Doboj. They shelled and set fire to two mosques and the Catholic church. Croats and Muslims were ordered to remain indoors as their homes were searched and looted. Male residents were often arrested, and still others were beaten. Women were taken away on three buses to a high school, where they were held for 28 days and raped repeatedly. 739/ One report

specifically mentions the Red Berets as allegedly responsible for at least some of the rapes at the high school. 740/ The city was besieged until August. 741/

15. Donji Vakuf County 742/

411. Seventy members of the Serbian paramilitary Martić's Militia acted in conjunction with other paramilitary groups in the "ethnic cleansing" of the Donji Vakuf area. 743/

16. Dragovići (county unknown)

412. In mid-May, Šešelj's White Eagles reportedly skinned three Muslims after hanging them with meat hooks on an oak tree. 744/ Most of the village's Muslim inhabitants were killed and the village was burned down. 745/

17. Foča County 746/

413. Foča County is located in south-eastern BiH with Montenegro as its eastern border. As of 1991, the population of the county was 40,513, of which 45.3 per cent was Serbian, 51.6 per cent Muslim, and 3.1 per cent "other".

414. Arkan and Šešelj reportedly deployed soldiers in the county of Foča. Reports also indicate the presence of Commander Turtle's Units, 747/ the Montenegro Guard, 748/ the Užice Corps, and Pero Elez. 749/

415. During the occupation of Foča by Arkan's men in late April 1992, many bodies were thrown into the river. A Danish photographer in Goražde witnessed these decomposed bodies downstream in the village of Goražde. A concentration camp was established in Foča in the former prison, and was run by Velibor Ostojić. Šešelj's forces and volunteers were said to have participated in the fighting in the city of Foča, as assistance to the Serbian Democratic Party forces. The fighting took place in late April 1992. 750/

416. Between 15 April 1992 and 20 April 1992, nine people were killed in the village of Susješno by Arkan's men. The nine victims were elderly and did not want to leave their homes. 751/

417. Šešelj's forces were part of the paramilitary attack on Ustikolina during April 1992. Serbian Democratic Party forces and volunteers from Serbia and Montenegro also aided in the assault. All Muslims fled the village. Mortars, machine-guns, and armoured vehicles were used in the attack. The Serbian forces also entered the JNA facility in Ustikolina and killed several Muslim civilian refugees. 752/

418. In Paunci, Serbian Democratic Party forces and Serbian paramilitary forces reportedly killed a large number of people, mostly women and old men. 753/

419. According to the United States government, the Montenegro Guard participated in operations in Jeleč, a village in Foča. Allegedly, the Montenegro Guard, along with members of other paramilitary units, including the White Eagles and Vukovar Unit, shelled the town and killed remaining Muslim civilians after 23 April 1992. The alleged raid on Jeleč began on 18 April 1992, when these forces blocked the roads to town and ordered Muslims to surrender their weapons by 22 April to a Bosnian Serb delegation at the military complex in the nearby village of Miljevina. On 23 April, Serb forces

began shelling Jeleč and the surrounding villages, sending the inhabitants into hiding in the hills surrounding the village. The Montenegro Guard and other forces moved into Jeleč on 4 May 1992. They arrived in seven military buses and were given orders to "comb" the area for Muslims. Allegedly, at least 16 Muslims were shot and buried in two graves located in a potato field one kilometre west of Jelec. 754/

420. On 14 July 1992, Serbian soldiers identifying themselves as Šešeljovci entered the house of a Muslim family. A woman was beaten on the head by the soldiers who were inquiring about the location of her husband. These soldiers also cut the throat of a man, drawing blood but not killing him. The family was taken to the police station along with other Muslims were they were separated into four groups. These groups were imprisoned for 27 days in four houses, confiscated from Muslims. The women were raped repeatedly. On 13 August 1992, these women were allowed to leave on a convoy heading for the Muslim-controlled Sandžak region of Serbia. 755/

18. Gacko County 756/

421. This county is located in south-eastern BiH and is bordered on the east by Serbia. According to the 1991 census, the population of Gacko County was 10,844, 62.4 per cent of which were Serbian, 35.3 per cent were Muslim and 2.3 per cent described as "other". Serbian paramilitary operations are reported in this county.

422. In March of 1992, the Serbian White Eagles began destroying Muslim-owned cafes, apartments and shops in the town of Gacko. Most of the White Eagle participants were local Serbs, except those who had been refugees from Mostar. On 15 May, the White Eagles began shooting into homes and making arrests. On 1 June, Muslim men who worked at the power plant were arrested by Serb soldiers. One hundred of the Muslim men were taken to the military prison in Avtovac. Meanwhile, more Muslim men were arrested from their homes and taken to the Hotel Terma. 757/

423. Reportedly, on 1 June 1992, Šešelj's men and the White Eagles launched an all out attack against Gacko's Muslim inhabitants. 758/ One report also stated that special forces of Nikšić and JNA soldiers were also involved in the attack on Gacko. 759/ The attack began with the burning of several Muslim homes. 760/ On 18 and 19 June, the villages were reportedly shelled. Many of the civilians fled into the forests in the nearby mountains, where they saw the Serb forces moving through the village burning Muslim homes. 761/ Other Muslims were killed or arrested. Those that were arrested were detained in the lobby of the Elektro Privreda's Hotel before being transported to the Serbian detention camp at Bileća. 762/

424. Later in June, many Muslims were attempting to leave Gacko with the permission of the Serbian Municipal Office when they were trapped and shot at by White Eagles. 763/ The Muslim men were pulled out of their cars and beaten. Others were set on fire, jumped upon or hit with iron rifle butts. 764/ The women and children were taken to the Motel Košuta and later reunited with their families, but were forced to watch as the White Eagles beat the Muslim men. The women at the hotel were searched and robbed of their personal belongings, and some of them were raped. The women and children were eventually returned to Gacko, and the men were taken from the motel to Gacko prison. 765/

425. At the prison, the men were beaten nightly by White Eagles and by members of the "Interviewing Platoon". Some were shot to death. The prisoners were then to be taken to Bileća. In preparing to do so, soldiers

lined up to form a path through which the prisoners would pass from their cells to the transport trucks. As the prisoners walked through the line of soldiers, they were beaten with rifle butts and poles. Others were killed. A total of 170 Muslims survived and were taken to Bileća, where they were kept in a basement room, 120 square metres in size. The prisoners were beaten three times during the night under 2,000 watt lamps. 766/ They were allegedly beaten every day with wooden and metal sticks by as many as 10 guards at a time. Prisoners were not allowed to go to the bathroom or eat for three days. Four men were beaten to death between 2 and 4 July. 767/ On 10 August, prisoners were to be interviewed by news agencies. They were allowed to shower and shave for the interviews, but afterwards were allegedly tortured for telling reporters the truth about the camp conditions and abuse. The imprisonment continued from 1 June to 18 August 1992. 768/ At that time, 378 prisoners were exchanged in Stolac.

426. One report stated that 4 July was the date of the final roundup of remaining Muslim villagers. Soldiers went house to house and gave residents two minutes to leave. One witness estimated that 980 people were forced to leave at that time. They were taken to the Serbian-Macedonian border where a relief organization took them on to Skopje. 769/

427. However, another report indicates that those civilians that were hiding in the forests did not surrender until 12 July 1992. These civilians were allegedly taken in military trucks to Gacko and interrogated at the police station where witnesses reported many village possessions were stored. The civilians were asked about their male relatives and where they could be found. Reportedly the male Muslim prisoners were held in the basement of a hotel in the suburbs of Gacko. The women and children are reported to have been taken to the front-line near Benkovići in late July where the Serb forces were fighting members of the HVO. The women and children were forced to walk across the battle lines over minefields towards the HVO who fed them and transferred them to Mostar, Čapljina or Ljubuški, BiH. 770/

19. Goražde County 771/

428. Goražde County is in the south-east of BiH and had a 1991 population of 37,505. Of that population, 70.2 per cent were Muslim, 26.2 per cent were Serb, and 3.6 per cent were "other". There are reports of both Serb and Muslim paramilitary activity in this area.

(a) Serbian paramilitary activity

429. The following Serbian forces worked independently and in concert in Goražde during the months of May and June 1992: the Užice Corps, Garavi Sokok Forces, and units under the command of Braco Rakanović. 772/ These groups are reported to have harassed Muslim civilians and looted property in Goražde and the surrounding villages. They are also mentioned in connection with the mid-June attacks on a settlement near Kokino village and one near Površnica mountain. One witness reports seeing "Serbian soldiers" killing Muslim civilians and throwing their corpses in the Drina River sometime after these attacks. 773/

(b) Muslim paramilitary activity

430. The Green Berets are a Muslim paramilitary group said to have operated in the Goražde region. Apparently, the Green Berets attacked the village of Vitkovci between 3 and 5 May 1992. Reportedly, they also took Serbs to local

Muslim-run detention camps, in order that they be killed. 774/

20. Jablanica County 775/

431. Jablanica is located in the central south-west region of BiH. According to 1991 figures, it had a population of 12,664 which was 72.1 per cent Muslim, 17.8 per cent Croat, 6.1 per cent "other", and 4 per cent Serb.

432. The Black Swans and MOS (Muslim Armed Forces), both are Muslim paramilitary groups alleged to have operated in Jablanica County. Apparently, these groups made a joint attack on the village of Doljani on 28 July 1993. 776/ The attackers are said to have mutilated and killed 24 people, both civilians and soldiers. The corpses' eyes were plucked out, their ears cut, and stomachs slit open. 777/

433. The same report indicates that Serbian villagers fleeing from the attack were shot down as they crossed Stipica Meadow. Those who did survive were taken to a nearby room where they were detained with others, including one HVO soldier who had been shot in the chest. They were given nothing to eat and only water to drink. After one day of detention, the prisoners pried the bars of the cell windows loose and escaped. One witness recognized the MOS forces acting in this incident, saying they were from Jablanica. 778/

21. Kalinovik County

434. This county is in south-eastern BiH. The pre-war population was 4,657, of which 60.6 per cent were Serbian, 37.1 per cent Muslim, and 2.3 per cent "other". Only Serbian paramilitaries were reported to be operating in this county.

435. Šešeljovci and Russian volunteers were called in to Kalinovik during February 1993, at the request of Commander Ratko Mladić, when the Kalinovik "Četniks" were reportedly refusing to obey orders from their most extreme commanders. The goal of the new troops was to restore the self-confidence of the local "Četniks". 779/

22. Konjic County 780/

436. This county is located in the south central part of BiH, approximately 45 kilometres south-west of the centre of Sarajevo. Konjic's population as of 1991 was 43,636. The population was 15.2 per cent Serbian, 26 per cent Croatian, 54.5 per cent Muslim and 4.3 per cent "other". Serbian, Muslim and Croatian paramilitary groups were reportedly active in this county.

(a) Serbian paramilitary activity

437. Arkan's men were in Lukavica armed with sub-machine-guns and daggers. They beat Muslim civilians and cut crosses in some of the Muslims' foreheads. The dates of these incidents were not reported. 781/

(b) Croatian paramilitary activity

438. It was reported that the HOS, together with the Muslim Green Berets, conducted operations in the Konjic villages of Donje Selo and Bradina. Both of these villages were burned and the inhabitants sent to detention

facilities. Donje Selo was attacked first and then Bradina on 25 May 1992. Female prisoners were transferred to Konjic Sports Hall, where some of the victims were raped. The men were taken to Čelebići camp. On 13 July, the HOS returned to Bradina, burned the town, and imprisoned all remaining inhabitants in an elementary school. Many civilians allegedly died in the attacks. 782/

(c) Muslim paramilitary activity

439. A report submitted by the United States alleges that the Muslim paramilitary group, the Black Swans, committed most of the crimes against Bosnian Croats in the Konjic area. According to reports, the Black Swans arrived in the Konjic area on 1 April 1993. They reinforced Muslim troops under an identified commander and were primarily deployed at the village of Handići, seven kilometres north-west of Konjic. In negotiations with the HVO, Tulomović denied that the Black Swans were under his control and blamed them for the criminal activity in the area. 783/

440. The Black Swan forces established at Handići are alleged to have attacked the Croatian village of Čelopeci in early April 1993. They reportedly burned three empty buildings, killed two elderly women and one elderly man, cutting off his arms and slitting his throat with a machete. Later, the Handići force was joined by Black Swans from Pokojište, who brought four or five Croatian civilians who were being used as human shields as they moved through the village. Estimates put the attacking force at 70 men. It is also alleged that after the action, Muslim forces prevented Spanish UNPROFOR troops from investigating the activities at Čelopeci. 784/

441. The Black Swans, together with Mujahedin troops, allegedly launched infantry attacks every four or five days on the village of Vrci and helped run the P.O.W. camp for HVO soldiers at Parsovici. 785/

442. The Federal Republic of Yugoslavia reported that Alija's Army, the Yellow Ants, the HCS, and the Croatian National Guard (ZNG) entered Konjic on 26 April 1992. They are alleged to have established road blocks, set up machine-guns in nearby villages, and to have killed civilians and looted villagers' homes. 786/

443. According to the Serbian Council Information Centre, the Muslim paramilitary unit, the Akrepi, killed 11 Serbs and burned 24 houses in the Konjic village of Blace on 15 May 1992. 787/

444. Another report submitted to the Commission of Experts by the Croatian government indicates that a Muslim paramilitary group, Hrasnica Forces, desecrated churches, looted houses, and mistreated Croats in the villages of Čelebići and Radešine. 788/ This report also alleged that the paramilitary forces of Hasan Hakalović executed two elderly civilians in the village of Mrkovice. 789/

23. Kupres County 790/

445. This county is located in west-central BiH. Its pre-war population was 9,663 of which 50.7 per cent was Serbian, 39.6 per cent Croatian, 8.4 per cent Muslim, and 1.3 per cent "other". There is one report of Serbian paramilitary activity in this county.

446. In April 1992, Šešelj's White Eagles, along with the JNA under the command of an identified officer, were allegedly responsible for the killing

of about 200 men, women, and children. Machine-guns, knives, and hammers were used in the killings. A young girl witnessed her family being killed; she was then forced to strip and left to be raped by any of the soldiers who were so inclined. 791/

24. Livno County 792/

447. Livno County is in the west of BiH bordering Croatia at the county of Sinj. In 1991, its population was 39,526, of which 72 per cent was Croat, 15 per cent Muslim, 9.6 per cent Serb, and 3.4 per cent "other".

448. A rape victim testifies that she was held in a brothel in Livno and then Sarajevo by "Alija's warriors". It is not clear from the report whether the group she is referring to is the same paramilitary organization as Alija's Army or whether she is referring generically to the Army of BiH as President Alija Izetbegović's "warriors". 793/ The dates of her custody are not specified.

25. Maglaj County 794/

449. This county is located in south-central BiH and had a pre-war population of 43,294. This population was 30.7 per cent Serbian, 19.3 per cent Croatian, 45.4 per cent Muslim and 4.6 per cent described as "other". There was one report of Serbian paramilitary activity in this county.

450. A heavy attack on Maglaj was launched on 23 May 1993 by JNA forces, the Serbian Army, Šešelj's forces, and local "outlaws". One news report described the town as "literally burning". It further stated: "over 2,000 shells have hit the town so far". Many casualties were reported and poisonous gases were allegedly used. The Serb forces held more than 10 combat positions, from which all types of artillery were fired. 795/

26. Modriča County 796/

451. Modriča is located in north-eastern BiH. According to the 1991 census, the population of the county totaled 35,413 of which 35.3 per cent was Serbian, 27.3 per cent Croatian, 29.5 per cent Muslim, and 7.9 per cent "other". There are three reports of Serbian paramilitary activity in Modriča.

452. The Serbian population began to get restless in January 1992 when influential local Serb leaders started making trips to Belgrade. 797/

453. During early May of 1992, Serb soldiers entered the village of Modriča. Some were believed to be from Šešelj's units, for they had blackened faces and wore dark uniforms with an insignia of a skull and eagle on the arms. 798/ The White Eagles, Knindža Turtles, 799/ and the SOS paramilitaries 800/ were also reported to have been in Modriča.

454. Allegedly, a group of Muslims, which had sought refuge in the cellar of a private home, were ordered out; they were kicked, punched, and beaten with rifle butts. They were taken to another cellar, where a total of 33 persons were eventually detained for 15 days. Some men were then taken to the school in the centre of town, while others were held in the school sports hall. Local Serbs stood guard while others interrogated the prisoners, including paramilitaries from the White Eagles and Knindža Turtles. Around 18 May, the school was shelled and most of the detainees were moved to a military barracks at Doboj, where approximately 300 Muslims and Croats were being held. In

early June, the Red Cross took away the women and children from the site, leaving only about 80 men. 801/

27. Mostar County 802/

455. Mostar is located in the south-central region of BiH. The total population in 1991 was 126,067 of which 19 per cent was Serbian, 33.8 per cent Croatian, 34.8 per cent Muslim, and 10 per cent described as "others". There are reports of Serbian and Croatian paramilitary and Muslim mercenary activity in Mostar.

(a) Serbian paramilitary activity

456. The JNA entered the Mostar village of Rodoč on 4 April 1992, and destroyed the home of a witness. According to this witness, all of the inhabitants of the village fled to the city of Mostar, which was already at war. After 26 days, the witness returned to the village for better shelter. After his return, the Yugoslav army blocked all access roads to, and controlled all points around, the village. Several civilians were stranded in the village without water, electricity, food or supplies. The witness reported that Serbs set fire to all the houses. 803/

457. The witness claimed that in May 1992 he was arrested by "Četniks" who said they were under Arkan's command. According to his statement, the witness was taken to Mostar and then to a military prison. He was interrogated and accused of possessing weapons. He and nine others were beaten by guards and remained imprisoned for 81 days, during which they experienced physical and psychological mistreatment.

458. On 6 April 1992, a combined force of JNA special forces and Šešeljovci moved into the village of Vrapčići, allegedly in response to the explosion of a fuel truck at the JNA barracks in Mostar. The Bosnian and Croatian populations were encouraged to leave and most did. 804/

459. The Bosnians and Croatians in Potoci, three kilometres north of Vrapčići, erected roadblocks and barriers to guard against a similar fate. They were successful until 18 May 1992. On 16 May, the forces in Vrapčići were reinforced with 10 tanks and 10 armoured personnel carriers, at which point they began their attack on Potoci. They were assisted by JNA air attacks. Upon capturing the village, the Serbian forces began rounding up able bodied Muslim and Croatian males from both villages. These men were taken to a stadium that had been converted into a detention facility. They were loaded onto trucks and taken to Bileća, BiH, where they were exchanged. 805/

460. On 12 June 1992, an additional 88 Muslim and Croatian residents of Vrapčići, including elderly men and women, were rounded up. They were taken to the stadium and killed. Their bodies were found in the landfill north of the village on 20 August 1992 after liberation by Croatian Defence Council and BiH Territorial Defence Forces on 20 June. 806/

(b) Croatian paramilitary activity

461. Allegedly, sometime before 15 July 1993, the Croatian paramilitary group, Juka's Army, evicted wealthy Muslim residents of Mostar from their apartments, which were looted and turned over to members of HVO paramilitary forces for habitation. According to reports, Juka's forces were masked and

heavily armed when they surrounded the apartments, which were located west of the city centre. They then proceeded to block exits, fire their weapons in the air, and demand that all Muslim residents evacuate the building. 807/

462. Another report states that the Croatian Tiger forces joined the HVO in Mostar on 1 June 1993. The Tigers allegedly brought with them additional weapons supplies, including 305 millimetre "Slavuj" guns and grenades manufactured at Slavonski Brod. 808/

(c) Muslim paramilitary activity

463. Mujahedin forces were observed in Mostar beginning in early June 1993. They were stationed in the Šantića neighbourhood on the Muslim\HVO front, where they manned bunkers usually in groups of six or seven. They were reportedly armed with 7.62 millimetre weapons, mortars, and Zolja anti-tank weapons. They were billeted in a building they shared with the Muslim police on the east bank of the Neretva River. The Mujahedin forces are reported to have left Mostar on 15 August. 809/

28. Nevesinje County 810/

464. Nevesinje County is in southern BiH. Its population in 1991 was 14,421, of which 74.5 per cent was Serb, 23 per cent Muslim, and 2.5 per cent "other".

465. In early April of 1992, Šešelj's forces were said to have been deployed around the Nevesinje area to assist organized efforts at the border. 811/

29. Novi Travnik County

466. Pucarevo County is in central BiH near Travnik. The HOS (Hrvatske Oružane Snage) is reported to have acted in this region. 812/

30. Odžak County 813/

467. Odžak is in northern BiH bordering Croatia at Slavonski Brod. Its prewar population was 30,651, with 54.2 per cent Croat, 20.3 per cent Muslim, 19.8 per cent Serb, and 5.7 per cent "other".

(a) Serbian paramilitary activity

468. In February 1993, in the town of Novi Grad, between 700 and 1,000 troops, drawn largely from Arkan's and Šešelj's units, (but also including volunteers from Kordun and Banija, as well as "Četniks" from the Benkovac garrison), reportedly attempted to cut the Smiljkes-Novi Grad communications line in an effort to take Novi Grad. The Serbs were said to have been "crushed" and pushed back to their positions. UNPROFOR was asked by the Croatian military to enter the area and alleviate tensions between the two sides. 814/

(b) Croatian paramilitary activity

469. There are reports of two Croatian forces operating in Odžak. One is the Croatian Democratic Union (CDU) and the other is the Black Legion.

470. The CDU is said to be responsible for the shelling of Donja Dubica on 18 April 1992. 815/

471. The Black Legion is mentioned in association with a detention camp in Odžak run by "Muslim and Croatian forces". A witness stated that members of the Black Legion arrived on 16 July 1993 and asked prisoners for gold and money. The witness gave them money and was released. 816/

(c) Muslim paramilitary activity

472. The Green Berets and the paramilitary arm of the Party of Democratic Action (SDA) are reported to have acted in Odžak.

473. A Serbian man testified that he was picked up by three Green Berets from the streets of Novi Grad in June 1992. They took him to a camp run by "Muslims", where he was detained for almost 10 months. 817/

474. The SDA acted together with members of the CDU in Odžak, raping, murdering, looting, and detaining civilians. 818/ Apparently, the SDA and CDU received military supplies from abroad in Odžak, the majority of them being procured from Croatia. Reports state that weapons dealers associated with these groups moved freely between Croatia and BiH, buying and selling arms. 819/

31. Pale County 820/

475. Pale is located in south-east BiH. During early February 1992, Šešelj's Četniks reportedly shot at every car driving through the city of Pale. 821/

476. Reports also allege that Muslim and Croatian prisoners were being mistreated in the Pale detention camps. The camps were set up at the local sports hall, the Cultural Centre and the cinema, and were run by two identified men. During interrogations, prisoners were physically and mentally tortured. In one case, a death sentence was executed in front of a prisoner. Pre-written confessions were given to prisoners by members of the SIP. In all, over 20,000 persons were said to have passed through the camps at Pale. 2,500 are currently there. Several men are responsible for the investigation and interrogation of prisoners. At least one is alleged to be a member of Arkan's formations.

477. Also, witness testimony from the BiH Bulletin claims that on 1 June 1992 over 1,000 Serbian irregular forces, 150 soldiers from Rajlovac and Butile barracks, and 80 SDS extremists entered Ahatovići and Dobroševići and killed 20 Muslim men. The forces also wounded several others and looted and set fire to Muslim homes. On 2 June, Serb extremists mined and destroyed the mosque at Ahatovići. During these attacks, Serb irregulars, under the command of Joja Tintor, captured 400 women and children and 80 men. 822/

32. Prijedor County 823/

478. Prijedor is in the north-west of BiH. In 1991, its population was 112,470. Of that population, 44 per cent was Muslim, 42.5 per cent Serb, 5.7 per cent "Yugoslav", 5.6 per cent Croat, and 2.2 per cent "other". There are reports of extensive Serbian paramilitary activity in this region.

479. Prijedor citizens have claimed that Arkan's paramilitary forces had set

up headquarters in the Hotel Prijedor when Serbian authorities assumed control of that city in a coup on 30 April 1992. The SDS had established headquarters at that location and some believe that Arkan's forces were situated there as well, but no witnesses have been able to confirm the allegation. However, one witness said that White Eagles were roaming the streets of Prijedor, and that Croatian and Muslim police officers were replaced by Serbs who wore a Serbian cross on their hats instead of the Yugoslav red star. Local Prijedor leaders were arrested by the Serbs.

480. Prijedor was attacked on 30 May 1992 by Serb forces, and the city fell within 13 hours. A mosque was burned, and many citizens were forced to leave their homes, arrested and bussed to detention facilities. One woman who was taken from her home and detained for four days stated that when she returned to her home, it had been robbed of all valuables. She was not mistreated while at the detention facility, but she stated that others were frequently threatened. Another woman related that she was taken to the Prijedor police station and placed in a cell sprayed with fresh blood, along with several other civilians, before being shipped to Omarska camp. The involvement of Šešelj's forces in these activities is not clear from the report. 824/

481. Also in May, a resident of Prijedor was summoned for interrogation by an identified commander of a Četnik brigade. Afterwards, he was taken to Ciglane camp in Prijedor. White Eagles were implicated in the imprisonment and killings of prisoners at Ciglane camp. 825/ Also women were raped. Furthermore, the witness saw a group of White Eagles kill five people, and saw "Četniks" take 15 children from their mothers and throw them into ovens. Another man was also detained at the camp and was forced to load dead bodies onto 13 trucks. He and 20 other prisoners were then taken to Omarska, where he spent six to seven days. Afterwards, he was able to escape. 826/

482. A 27 December 1992 news report links Arkan's forces with a series of Serbian attacks on the Muslim village of Kozarac in Prijedor county. The attack was prefaced with a demand by Prijedor's rulers that the villagers sign a loyalty oath to the self-proclaimed Bosnian Serbian state, or be regarded as terrorists. Serbs in control of Prijedor drove cars that had "Wolves of Vukovar" written on them. Officers of the JNA were also reportedly involved. 827/ The residents attempted to set up a meager defence, but the town was sealed off on 14 May 1992.

483. On 24 May 1992, the villages of Kozaruša and Kozarac, in Prijedor county were surrounded by a Serbian force, which included units of the Serbian Army, Bosnian Serb irregulars, White Eagles, and Šešelj's men. 828/ The forces equipped with tanks and armoured personnel carriers, bombarded the villages for approximately two hours with artillery and rocket fire before entering the village of Kozaruša. 829/ Upon entering the village, local Serbs began identifying Muslims who were then shot in the street. 830/ Muslim homes were set afire after Serbian forces tossed grenades into them. Within hours, other Muslims were arrested and taken to the prison camp at the Keraterm factory. 831/

484. The attack on Kozarac lasted three days and caused many villagers to flee to the forest while the soldiers were shooting at "every moving thing". Survivors calculated that at least 2,000 villagers were killed in that period. The villagers' defence fell on 26 May. 832/ When the Serbian forces entered the village, they began destroying the village's 14 mosques and nine minarets.

485. Serbs then reportedly announced that the villagers had 10 minutes to reach the town's soccer stadium. However, many people were shot in their homes before given a chance to leave. One witness reported that several

thousand people tried to surrender by carrying white flags, but three Serb tanks opened fire on them, killing many. Those who were successful in surrendering were separated according to gender. During the exodus to the soccer stadium, some men were randomly selected to be shot by a single Serb perched on a balcony. Upon their arrival at the stadium, the women and men were separated and delivered to concentration camps. Many were beaten and killed in the process. 833/ One refugee estimated 90 per cent of the region's leaders were killed. 834/

486. Another report noted that all 24,000 residents of Kozarac were evacuated and told to walk towards Prijedor. *En route*, they were met by Serb police who separated the women from the men and began setting houses on fire. Some villagers were killed on the spot. Three hundred soldiers wearing the insignia of the "White Eagles of Knin", stood alongside the road or pulled certain residents out of the group, and took them to a house where they were executed. 835/ Those that were not shot were separated by sex. 836/ The men were taken to a detention camp in a school in the nearby village of Trnjani, where they were held for four days without food or water. The men were then transferred to the camp at Trnopolje, where the women and children had been held for several days. A large number of the prisoners were allegedly killed at Trnopolje. 837/

487. Major Arsić, the highest ranking member of the "Serbian Army" was said by some to have planned the attack; others named Major Kuruzović. 838/ Željaje, commander of JNA reservists from 12 different municipalities, was also involved. Weapons were taken from the territorial defence units and given to the Serbian army. 839/ K.D., a former member of the Kozaran civilian defence council, identified Major Arsić and Serbian JNA Commander Željaje as having played key roles in the attack. He also observed Serb police setting houses on fire and killing certain people in the convoy. A spokesman for the Bosnian Serbs' self-declared government also explained that the government used Arkan's forces in its "ethnic cleansing" operations: "He is very expensive, but also very efficient". 840/

488. Forty men from Kozarac were selected for a prison work gang that was sent back into Kozarac to retrieve dead bodies. One of these men counted 610 bodies in all. Kozarac homes were painted with one of three colours for identification: yellow-marked homes were to be inhabited, blue-marked homes were to be rebuilt, and red-marked homes were to be destroyed. 841/

489. At the same time, the Red Berets are reported to have been acting in the area and could have been working with or alongside Arkan's men and other Serbian forces. Apparently, the Red Berets participated in the attack of Gornja Puharska, a village of about 300 Muslim families and six Croatian families on 29 May. They entered the village in tanks with other non-uniformed Bosnian Serb irregulars. 842/ Following the attack, they took all male villagers south-east to the Omarska detention camp, leaving the women and children behind. At Omarska, the Red Berets worked with the JNA and local police to provide security and coordinate guard shifts. 843/

490. On 23 June 1992, Bosnian Serb forces began shelling the village of Rizvanovići allegedly in response to the killing of two Serbian soldiers by Muslim Freedom Fighters somewhere near Prijedor. The village had a population of nearly 3,000, all of whom were Muslim with the exception of one family. The shelling lasted approximately four hours and was followed by an attack by Bosnian Serb infantry forces, consisting of the Fifth Banja Luka Corp, White Eagles, and Šešeljovci. 844/

491. The town mosque was damaged, one resident was killed, and another injured during the attack. After the attack, a small occupying force remained

in the town. The residents were kept under house arrest with limited movement. 845/

492. On 9 July 1992, all Muslim males from the village of Matrići were rounded up in groups by Arkanovci and White Eagles and marched to Trnopolje. Along the way, the Muslims were forced to hold their hands behind their heads and to keep their heads hung low. There were also random beatings and killings. After arriving at Trnopolje, the captives were loaded onto buses going to Omarska. The detainees did not stay at Omarska but were instead moved to Keraterm. 846/

493. In late July 1992, the same force that had attacked Rizvanovići conducted a sweep of the village, rounding up residents and burning homes. Some residents were able to escape to the woods outside the village and others were imprisoned in the café of a public building in the centre of the village. 847/

494. Also in July, a paramilitary unit called "Zoran Karlica" is reported to have been responsible for killings, rapes, and other abuses in the village of Biscani. 848/ A witness recognized and named three men among the attackers. He also reports seeing one of the men beating a villager to death. 849/

495. After the attack on Biscani, the witness and other survivors were loaded onto buses and driven towards Prijedor. At Crna Jaruga, half of the people from one of the buses were killed. One bus drove to the Omarska camp and then on to Trnopolje camp because there was no room at Omarska. Upon their arrival at Omarska, an identified paramilitary man took 13 people away. The witness learned later that these people had been killed at Prijedorsko Polje. 850/

496. Finally, there are reports describing the activities of two other irregular groups working in Prijedor, for which there are no dates. They may or may not have been operating during the time periods mentioned above. One group, the Rambos, is alleged to be extremely violent and sexually aggressive. According to one witness, Rambo members carved the Četnik insignia (four cyrillic S's) into a victim's chest, cut the sinews in one individual's legs, and in the spine of another (so that the victim was instantly paralysed). In another instance, they took five 13 year-old girls from a camp in the area to a private home and returned them the following day, bearing obvious signs of abuse. A resident physician managed to suture two of the girls, but the other had to be sent to the hospital in the city of Prijedor. In still another instance, Rambo members chopped off the testicles and gouged out the eyes of a Czechoslovakian medic. 851/

497. The second group, the Radulović Irregulars, are also reported to have worked in Prijedor. 852/ A US Government report identified three men in the group, reportedly from Zecovi, who were guards at the Serb-run Trnopolje camp. However, their names are not disclosed for confidentiality and prosecutorial reasons. Some of them are claimed to have been involved in the looting and burning of Zecovi on 23 June 1992. Another identified member, however, is not specifically named as a participant in this attack. 853/

33. Rogatica County 854/

498. Rogatica County is in eastern BiH. Its population in 1991 was 21,812, of which 69.4 per cent was Muslim and 39.6 per cent was Serb. There are numerous reports of Serbian paramilitary activity in this county.

499. The village of Rogatica was shelled by Serb forces beginning on 22 May 1992. Between 25 May and 21 June, the town was shelled every day, with attacks concentrated on predominantly Muslim areas. 855/ All city services were discontinued and Muslims were forbidden to go outside or leave the city. SDS, White Eagles, Arkan's men, and Šešelj's men began looting and burning Muslim houses and apartments. It is estimated that over 100 individuals (women, children, and the elderly), were killed on 21 and 22 June. 856/ The civilians were burned and run over with tanks and troop carriers. 857/ Muslims began being forced out of their homes and captured by Serb forces on 8 June. 858/ Those who attempted to flee to the village of Vragolovo were fired upon. 859/ A camp was set up at the local high school where the women and children were taken, while most of the men were taken to Sokolac and Sladara camps. One account approximated the number of women and children detained at the school to be 300. 860/ At the school, many women were taken away by Serb soldiers and beaten and raped. 861/ Around 5 August, the women and children were loaded onto trucks and began a convoy to the Hreša section of Sarajevo. Detainees were forced to walk part of the way as Serb soldiers fired upon them. 862/

500. In July of 1992, Arkan's men began going door-to-door looking for weapons and valuables. Arkan's men then began taking people to the elementary school. Female prisoners were removed every night by armed guards carrying flashlights. They were usually kept out for two to three hours at a time. The prisoners were moved to Sarajevo after seven days in the school. 863/

501. Žepa, a small mountain village in Rogatica county usually populated by 5,000, surged to 30,000 persons due to a huge influx of refugees during late 1992. The BBC traveled with a U.N. military convoy to bring food and other relief to the villagers during the winter months. The convoy was stopped 12 kilometres outside Žepa by Serbian militia, one of whom was wearing the badge of Arkan. The militiamen told the BBC reporter, "The people of Žepa need food, not journalists". While it seemed that the convoy would be allowed through, the soldiers had actually directed the convoy to the one road leading to Žepa that was impassable. More than 20 trees were splayed across the road, and it seemed likely that the road may have been mined or booby-trapped. The U.N. convoy was forced to turn back and attempt an alternative route on a different day. 864/

502. During this time, there was also an incident in which the paramilitary forces, under the command of an identified man, killed 49 prisoners during a fake prisoner exchange. 865/ Apparently, Serb forces, under the command of another identified man, forced prisoners from Višegrad onto a bus and headed north towards Rogatica. The Serb soldiers explained to the prisoners that they were going to be exchanged at Han Pijesak, but once on the bus, they were tied up and beaten. At some point during their trip, the bus was pulled off the road, the prisoners ordered off, killed, and piled in a pit. 866/ While the specific date of this incident is not noted, it was reported in the BiH Bulletin of March 1993 and must have occurred shortly before then.

503. In April of 1993, Šešelj called for the two Serb republics of BiH and Krajina to form a unitary state and reject the Vance-Owen plan. Šešelj pledged that his own party, the Serbian Radical Party, would do everything it could to gain recognition of a new joint state. He requested that the Serbian people "reject any signature that would mean the capitulation of the Serbian people to foreign powers. The Serbian people have to maintain all that they have won in a hard and bloody struggle." 867/

34. Sanski Most County 868/

504. Sanski Most is located in north-west BiH. According to the 1991 census, its population was 60,119, of which 47 per cent was Muslim, 42.2 per cent Serb, 7.1 per cent Croat, and 3.7 per cent "other".

505. There is one report of a Serbian paramilitary organization acting in this area called the Sixth District or Šesta Krajiška. 869/ Apparently, the Sixth District attacked Sanski Most on 9 May 1992 and occupied the police station and other municipal buildings. Seventeen days after their attack, the Serbian Regular Army arrived in the city. The Sixth District is said to often work with the army by conducting small-scale operations, like the attack at Sanski Most. 870/

35. Sarajevo County 871/

506. Sarajevo is in central BiH. In 1991, it had a population of 525,980, of which 49.3 per cent was Muslim, 29.9 per cent Serb, 10.7 per cent "Yugoslav", 6.6 per cent Croat, and 3.5 per cent "other". There are reports of Serbian, Croatian, and Muslim paramilitary activity in this region.

(a) Serbian paramilitary activity

507. In March of 1992, Zagreb Radio Croatia reported that large columns of Arkan's and Šešelj's troops were seen organizing at the entrance to Sarajevo, at the Višegrad gate, following the news that Muslim forces were in and around the Sarajevo area. Apparently, Arkan's and Šešelj's units were preparing to attack the town. 872/

508. In April of 1992, a series of violent attacks was launched on the citizens of Sarajevo. On 5 April, the police school at Vrace was attacked, and the students of the police school were beaten and mistreated. White Eagles later forcibly evicted many villagers from their homes and took them to Vrbanja. "Četniks" looted and set fire to the houses which earlier had been vacated by residents. A 14 year-old boy's arm was allegedly sawed off by Serbs with a handsaw. The boy was then taken away by the White Eagles. A report also stated that JNA forces, under the command of an identified man, used their heavy artillery to attack Sarajevo residents. 873/

509. Armed SDS and White Eagles members allegedly raped a woman, slit the throat of a man, and engaged in beating unarmed civilians. The specifics of these incidents, which took place between June and December 1992, are not disclosed for confidentiality reasons. 874/

510. In late April of 1992, the BiH Ministry of Internal Affairs linked the attacks on Sarajevo with Šešelj's units. One-hundred sixty-two of Šešelj's men reportedly moved to the Sarajevo district of Pale in early April, and more continued to go to Vrace. The identified commander of the unit is said to be the leader of Šešelj's Četniks in Slavonia, Baranja and western Srijem. The unit moved from Pale to Vrace on 14 and 15 April, during which time they planned to launch an artillery attack on the garages of the city transportation company. The reported goal was to massacre the population as revenge for the capture of two criminals and Dragiša Kuljačić, a terrorist. This attack was abandoned when the prisoners were released. 875/

511. This same unit participated in the attack of the Novo Sarajevo area. In this instance, one group of men were surrounded by those defending Sarajevo, and their leader was wounded. Šešelj then threatened to withdraw all of his

units in BiH if his men were not released from the siege on Grbavica. Serbian Democratic Party forces went in to rescue the men. Šešelj's units then withdrew back to Pale. 876/ In response to the withdrawal, Arkan considered an invitation by Biljana Plavšić, former member of the BiH Presidency, to bring his troops into Sarajevo. 877/

512. In Dobrinja, a suburb of Sarajevo, residents were confined to their homes in May and June of 1992, during an eleven-week attack on that city by Serb militia forces. Residents were told that they would be shot if they ventured outdoors. On 17 June, teams of Serb gunmen forced Muslims from their homes. The vacated residences were looted, and the ousted villagers were herded into a small basement room. Local Serb soldiers informed the residents that paramilitary units from neighbouring Serbia were mobilizing the drive to take Dobrinja, and that these units demanded that all Muslims be killed. One of the Serbs identified these units as led by Arkan and Šešelj. Two days later, the villagers were ordered outside their holding room and were taken to a trench in a highway that lay between Serb and Muslim forces. They were told to begin walking down the highway and were then forced to evade sniper fire. Two women were killed. As the sniper fire escalated, the 40 villagers began running. A woman's arm was severed by gunfire. The villagers then dove into a ditch on the side of the road and crawled a half a kilometre in the rain and mud, at times over dead bodies. They were finally escorted to safety in territory controlled by BiH Government forces. 878/

513. Arkan's men also allegedly operated in the area of Grbavica. In late September 1992, at least 500 Grbavica residents were seen fleeing their village amidst gunfire. Apparently, they were crossing over the bridge leading to Sarajevo's city centre after Serb soldiers gave them less than 15 minutes to leave their homes with all they could carry. The soldiers threatened that they would kill the residents if they did not turn over all gold, jewelry, and foreign currency. The Grbavica Muslims said that many of the soldiers wore black jumpsuits and double-headed eagle badges, insignias which are said to be those of Arkan's forces. Others related that before the mass evictions, people were subjected to midnight searches, denied pension payments, and harassed on the street. Some Muslim men were taken to detention camps or made part of working parties.

514. Another report implied that both Arkan and Šešelj deployed forces in Grbavica. At least 130 residents had been evicted from their homes and were seen fleeing Serb forces in Grbavica. A meeting at the commune building in Grbavica was reportedly held by the Serbian Democratic Party and its military command in September of 1992. An agreement was reached at the meeting, wherein all Muslims and Croats would be removed. To accomplish this goal, forces of Arkan and Šešelj were called in to help and to kill all Muslims of military age. This plan was said to be the final offensive in "cleansing" this area of Sarajevo. 879/

515. Muslims were imprisoned, interrogated, tortured, and killed at the concentration camp "Health Centre Stari Grad" in Ilidža, a section of Sarajevo. Arkan's Četniks reportedly ran the camp. 880/

516. In July of 1992, the Sonja cafe and hotel, just outside Vogošća, served as the site for scores of rapes and killings of Muslim women by Serb forces. The "commander" of this detention facility was Commander Miro Vuković, a loyalist of Šešelj's forces. Vuković reportedly established a system for Serb fighters to rape and kill women. 881/ Borislav Herak, a Serbian soldier standing trial for 35 killings and 14 rapes, related that soldiers were encouraged to go to the Sonja cafe to rape women and then take them elsewhere to be killed. Herak also witnessed or participated in the killings of at least 220 other Muslim civilians. Specifically, he watched as 120 civilians

were gunned down by a Serbian unit called the "special investigation group" in a field outside Vogošća. Herak was told by his commanders that raping Muslim women was "good for raising the fighters morale". He and three friends raped one woman and then shot her in the back of the head near a mountain bridge. He went to the Sonja cafe once every three or four days, and reported that even though soldiers were raping and killing women every day, more women were always arriving. He describes, ". . . it was never a problem. You just picked up a key and went to a room." 882/ Vuković provided the soldiers with justifications for killing the women after raping them. 883/ Vuković once told Herak, "You can do with the women what you like. You can take them away from here--we don't have enough food for them anyway--and don't bring them back." 884/

517. Herak said he was ordered to go to the Sonja cafe by his commander, Captain Borov. As he went to the cafe, he was met by Miodrag and Dragan, two members of Šešelj's private army. When Herak related that he had been sent by Borov, the two "Četniks" ushered Herak into a waiting room containing about 60 young women, from which Herak could select his rape victim. 885/

518. In August of 1992, the administrators of the Sonja cafe were asked to release all women, children, and elderly in preparation for a visit by an English delegation to the site. Consequently, 150 persons were released. "Četniks" reportedly cleared the camp and removed blood from the walls and floors. Three thousand civilians were said to have passed through the camp at Vogošća, hundreds of them dying at the hands of Arkan's and Šešelj's men and other "Četniks". 886/

519. The hotel "Park" was also the location of at least two rapes by members of Šešelj's units. 887/

(b) Croatian paramilitary activity

520. There are reports of two separate Croatian groups acting in Sarajevo and the surrounding region. These are the Croatian Armed Forces (HOS) and the forces under Jusuf Prazina, alias "Juka" or "Yuka".

521. The Republic of Serbia reports that an HOS unit, together with an unnamed Muslim paramilitary group, helped run the "Viktor Bubanj" detention facility in Sarajevo where Serb civilians have allegedly been tortured, raped, and killed. 888/ There are no dates noted as to when the HOS was present at the camp.

522. The Croatian forces were also involved in criminal activity at the "Viktor Bubanj" camp. 889/ It was reported that the leader of this group was appointed head of the BiH Army paramilitary units and became warden of the prison camp. For this reason, "Viktor Bubanj" was also called "Juka's Prison". Over 200 prisoners were held there and were tortured and forced to do heavy manual labour. "Juka" himself is accused of raping and killing prisoners at this camp. 890/

(c) Muslim paramilitary activity

523. Alija's Army and the Green Berets are two Muslim paramilitary units reportedly acted in the Sarajevo area.

524. A rape victim testified to the Federal Republic of Yugoslavia that she was held in a brothel in Livno and then in Sarajevo by "Alija's warriors". It is not clear from the report whether the group she refers to is the same

paramilitary organization as Alija's Army, or whether she is referring generically to the army of BiH as President Alija Izetbegović's "warriors". 891/ Her testimony does not indicate any precise dates of custody.

525. The Green Berets also operated in Sarajevo. On 22 May 1992, a Serbian woman was picked up by two Green Berets and taken to "Viktor Bubanj" in Sarajevo, where she was questioned and raped repeatedly. 892/ Another report alleges that the Green Berets were responsible for the death of an unspecified number of Serb children at the Koševo Stadium near this time as well. Apparently, the members threw the children in the animal cages. Serb soldiers could hear the children being killed from their surrounding positions in Kromolj and Jezero. 893/

36. Srebrenica County 894/

526. Srebrenica is in eastern BiH bordering Serbia. As of 1991, it had a population of 37,211, of which 74.8 per cent was Muslim and 25.2 per cent Serb.

527. In May 1992, Arkan's men allegedly removed machinery and equipment from local factories and looted appliances from local stores in Srebrenica and loaded them into stolen cars and took them to Belgrade. 895/

528. Also in May 1992, the town of Rogatica was shelled, and other reported violations took place, which are not disclosed for confidentiality and prosecutorial reasons. 896/

37. Teslić County 897/

529. Teslić County is in the central northern region of BiH. In 1991, it had a population of 59,632, of which 55.1 per cent was Serb, 21.5 per cent Muslim, 16 per cent Croat, 5.7 per cent "Yugoslav", and 1.7 per cent "other".

530. Arkan and his forces led the near-fatal attack on Kamenica in Teslić during early spring of 1992. The Muslim enclave finally collapsed after enduring 10 months of Serbian onslaughts. The entire village was abandoned by its residents, and Serbs quickly moved to bomb the mosque and loot and burn private homes. Mass graves were opened, which Serbs claimed to bury their own who had died in combat.

531. A professor from Sarajevo University also reports that paramilitary units of the Armada Forces, along with the Serbian militia and the Red Berets, were brought into Teslić to perform "ethnic cleansing" operations there. 898/ The report does not disclose any dates.

38. Tomislavgrad County 899/

532. Tomislavgrad is a western county of BiH bordering Croatia at Imotski County. According to the 1991 census, it had a population of 29,261. Of this population, 86.6 per cent was Croat, 10.8 per cent Muslim, and 2.6 per cent "other".

533. Witness testimonies submitted by the Serbian Council Information Centre allege that members of the Black Legion, a Croatian paramilitary force, took prisoners from Split and Kupres and held them at Tomislavgrad. Women who were detained report that they were kept in cellars with no toilets or

beds. 900/ The Croatian Armed Forces (HOS) are also reported to have participated in the operation of a detention facility in Tomislavgrad. 901/

39. Travnik County 902/

534. Travnik is in central BiH. Its pre-war population was 70,402, with 45.3 per cent Muslim, 36.9 per cent Croat, 11 per cent Serb, and 6.8 per cent "other". There are reports of Croatian and Muslim paramilitary activity in this county.

(a) Croatian paramilitary activity

535. UNPROFOR reports that a Croatian paramilitary formation called Medići was responsible for attacks, kidnappings, bombings, and artillery firing on Muslim residents in and around Travnik during the first weeks of April 1993. The HVO has claimed that the Medići are not under its military control. 903/

(b) Muslim paramilitary activity

536. The US Government claims that Mecet's Bebe, or Mecetove Bebe, is a Muslim paramilitary organization that carried out criminal activity, including theft and sabotage in the Travnik area. 904/ It does not specify any dates of their activity.

40. Tuzla County 905/

537. Tuzla is in north-east BiH. Its population in 1991 was 131,861, of which 47.6 per cent was Muslim, 16.6 per cent "Yugoslav", 15.6 per cent Croat, 15.5 per cent Serb, and 4.7 per cent "other".

538. The chlorine-alkaline complex in Tuzla and Lukavac was bombarded with artillery by Šešelj's men and local "Četniks" during June of 1992. The attack was backed by aircraft from the military air force and an anti-aircraft defence provided by the JNA. 906/

41. Veljina

539. According to an April 1992 report, the Pan-Yugoslav television network YUTEL, carried videotape footage of the attack on Veljina. The report states that Veljina was "overrun" by Arkan and his men, who were claiming to liberate it for the Serbs. Arkan told reporters that his forces were in BiH to prevent Muslim fundamentalism from gaining a foothold in Europe. 907/

42. Višegrad County 908/

540. Višegrad is in eastern BiH. According to 1991 census figures, it had a population of 21,202, with 62.8 per cent Muslim, 32.8 per cent Serb and 4.4 per cent "other". There are numerous reports of Serbian paramilitary activity in this county.

541. In 9 April 1992, Zagreb Radio Croatia Network reported that all Muslims from Višegrad had left in fear that Arkan was headed for the town. 909/

542. Between 12 and 13 April 1992, residents of Višegrad were informed by their Serbian neighbours that Šešelj's and Arkan's units were coming into the area to perform a mass killing. Some residents left, and their houses were ransacked and riddled with bullets. Fourteen houses were burned down, leaving only five undamaged. 910/

543. On 13 April 1992, the city of Višegrad was occupied by the Užice Corps. This group consisted of JNA soldiers, reservists, Užice territorial defence forces, and White Eagles. They brought a large amount of JNA heavy equipment with them. The JNA forces wore their traditional uniforms, while the White Eagles wore identifiable outfits, combining military and civilian clothes. Some wore hats with the kokada emblem. Upon the corps' siege, the civilian population fled the city and was fired upon. The corps then broadcast a message instructing the residents to return to Višegrad and assuring their safety. When they returned, the village was in shambles, with many homes burned. 911/ The JNA then blocked all roads leading out of Višegrad with help from the White Eagles and Užice Corps. Soldiers at the roadblocks would take away Muslims, whose names appeared on a master list. 912/ Between 18 and 25 May, the Užice Corps left Višegrad, leaving it to fall under the control of the White Eagles, Četnik gangs and Šešelj's forces. 913/

544. After the retreat of the Užice Corps, the killing and torturing of Muslims began. Residents could not leave the city without permission. Many Serbs were seen throwing bound Muslims into the river to drown them. In early June, many girls were taken to the hotel Vilina Vlas, interrogated, and raped. 914/ Some of the females were not returned.

545. On 13 April 1992, Momir Savić's Četniks set fire to the villages of Repuševići, Jarci, Brezje, Šip, Bodežnik, Blaž, and Moremeslje. 915/ They harassed and arrested Muslims, defaced a mosque, destroyed Muslim property, and stole humanitarian aid. Witness testimony submitted by the Republic of BiH identified one of the men who organized "ethnic cleansing" in the Višegrad region. Apparently, once the Užice Corps left on 18 June 1992, the criminal activity of Momir Savić's Četniks grew markedly worse. 916/

546. Then in July, civilians were evicted and convoys left the city. 917/ Some of the men on the convoy were killed and thrown into the River Drina before they arrived in Olovo. The women were taken to Olovo, then to Visoko, then to Zenica. 918/

547. According to a witness, the Popović Group led by Srpko Popović was also involved in criminal activity in the Višegrad area during this time. 919/ On 18 June 1992, the Popović Group is claimed to have killed 22 Muslims in Višegrad under the direction of Milan Lukić. 920/ The Popović Group is also alleged to have killed Muslims at the Višegrad Electric Plant and then to have thrown the corpses in the Drina River. In addition, Popović members allegedly burned 60 civilians detained in a house and drowned others by tying them up and throwing them into the river. They are also said to have regularly looted Muslim homes. In addition, Srpko Popović, himself, is claimed to have killed 17 civilians in one day.

548. The Višegrad Militia was also active in the area. A witness from the village of Koritnik near Višegrad stated that he narrowly escaped when the house he was being detained in was set afire by Višegrad Militia guards in June 1993. 921/ The witness stated that in June 1993, an identified man, whose name is not disclosed for confidentiality and prosecutorial reasons, came to Koritnik and told the Muslims that they would be evicted. The next day, members of the Višegrad militia came to the village and loaded 51 civilians onto buses headed towards Višegrad. At a Serbian checkpoint on a bridge outside Višegrad, the civilians were searched and forced to give up

their money and jewelry. The prisoners were then transferred to a house where the women were kept separately for supposed "interrogations".

549. The witness goes on to describe that there were already five prisoners in the house when they arrived. At 10:30 p.m., one of the Višegrad Militia guards threw a torch into the house and fired a machine-gun into the various rooms where he and others were held. The witness escaped through a window and ran. In the field behind the house, he was again fired upon. He does not expect that anyone else survived.

550. On 18 June 1992, the paramilitary forces under Milan Lukić killed 22 Muslims on the new bridge in Višegrad. 922/ The Lukić forces are said to have killed Muslim civilians in a variety of ways: children were dropped from the bridge and then shot before they hit the water: others were killed by pulling their kidneys out while they were still alive; and still others were tied to car bumpers and dragged across the bridge and through the streets of Višegrad. The report links the actions of Lukić's forces with those of the Popović Group. 923/

551. On 22 October 1992, Milan Lukić and his men allegedly abducted 16 Sandžak Muslims from the village of Sjeverin. 924/ According to Amnesty International, eight armed and masked men boarded the bus that the Muslims were travelling on as it entered BiH at the Višegrad municipality. The men, identified as Milan Lukic's, then ordered the passengers off the bus and onto an army truck. The truck, which had no license plates, headed towards the town of Višegrad. At this time, the passengers were told that they would be exchanged for Serbs who were captured the previous night. According to the Belgrade newspaper Borba, which cites military sources in Serbia, these Muslim hostages were killed near Višegrad that same day. 925/

552. On 19 February 1993, Lukić's forces reportedly performed a similar operation, this time at the Strpci train station. 926/ Witnesses state that 19 Muslim passengers on a train at Strpci were abducted by Lukić's forces, led onto a military truck, and driven away. The present whereabouts of these Muslims are not reported.

553. Finally, these reports indicate that Lukić was briefly detained on 26 October 1992 and again in February 1993 for the kidnapping of the Muslims from the bus and from the train. 927/ Furthermore, according to the Amnesty International report, the leaders of the "Serb Republic of BiH" deny the existence of paramilitary forces in Višegrad and refer to Lukić's forces as "volunteers" fighting under the command of the Višegrad Brigade. However, according to Borba, Lukić's forces are not under the direction of the army nor the local Višegrad authorities. 928/

554. Finally, it is reported that the paramilitary forces under the command of Rajko Kušić were also involved in the kidnapping and killing of Muslims in Višegrad. 929/ It is not clear whether their actions are linked to those of the Lukić forces. In this case, a witness claims that Kušić forces under the direction of an identified man, whose name is not disclosed for confidentiality and prosecutorial reasons, forced 49 Muslim prisoners from Višegrad onto a bus. The paramilitaries told the prisoners that they were going to be exchanged in Han Pijesak. Yet, once on the bus, the prisoners were tied up and beaten. The bus pulled off the road somewhere between Višegrad and Rogatica, and the prisoners were ordered off. Then, they were killed and piled into a pit. 930/

555. A Serbian irregular force called Commander Turtle's units is said to have worked in portions of eastern BiH, including Višegrad. 931/ This group was led by a Bosnian Serb doctor named Duško Kornjača and operated

sometime after September 1992. 932/

556. Other testimony indicates that the Serbian forces under Risto Perišić, the president of the Serbian community, were active in Višegrad. Perišić is alleged to be one of the organizers of "ethnic cleansing" in the region. 933/

43. Vitez County 934/

557. Vitez is in central BiH. The pre-war population was 27,728. Of that population, 45.7 per cent was Croat, 41.4 per cent Muslim, 7.5 per cent "other", and 5.4 per cent Serb. There are reports of both Croatian and Muslim paramilitary activity in this region.

(a) Croatian paramilitary activity

558. According to UNPROFOR personnel, the Croatian Knights paramilitary group set up a checkpoint approximately three kilometres north-west of Vitez, where they detained a convoy of trucks for several days. Although the convoy was eventually returned, the action was apparently one of many designed to agitate the Muslim population in the region. 935/ HVO officials have stated that the Knights were an independent group that did not follow official military command.

(b) Muslim paramilitary activity

559. The Muslim Armed Forces(MOS) are alleged to have looted and burned homes and to have threatened Croatian civilians in the Vitez municipality. Specifically, witnesses report MOS activity in Čajdraš, Vjetrenica Mountain, and Busovača. Many civilians are said to have been killed in the area; their bodies have most often been found burned with their homes. 936/ It is also reported that the MOS acted as local police and arrested HVO personnel earlier released by the Army of BiH. 937/

44. Vogošća County

560. Vogošća is a small county in central BiH just west of Sarajevo. There are reports that the Serbian paramilitary units under the command of Dragan Ikanović operated there.

561. A witness who was held for several weeks at the army barracks in Rajlovac reports that Ikanović and his men were responsible for the deaths of approximately 50 Muslim prisoners. He claims that Ikanović and his men loaded prisoners onto a bus and drove them from Vogošća towards a village called Srednje. At one point in the journey, the passengers were told that the bus had overheated and needed water. The guards on the bus then got off. Immediately afterward, the bus was fired upon by Serbian forces using rocket launchers, bazookas, machine-guns, and hand grenades. 938/

562. The BiH Bulletin also reports details of this incident. 939/ It states that Serb forces took 55 Muslim prisoners, some of whom were from Dobroševići, Bojnik, and Mihaljevići, on a red bus to a supposed prisoner exchange. Then an identified man was said to take the prisoners. The report does not indicate whether other forces under Joja Tintor were involved. Later, the bus was fired upon as described above. Forty-seven prisoners were killed. 940/

45. Zenica County 941/

563. Zenica County is in central BiH. In 1991, it had a population of 145,577, of which 55.2 per cent was Muslim, 15.6 per cent Croat, 15.5 per cent Serb, 10.9 per cent "Yugoslav", and 2.9 per cent "other". Croatian and Muslim paramilitary activity has been reported in this area.

(a) Croatian paramilitary activity

564. The Croatian Armed Forces (HOS) is an organization of Croatian and Muslim forces that have acted in the Zenica region. It is estimated that of the 1,500 troops in Zenica, there are at least 800 Muslim members. 942/

(b) Muslim paramilitary activity

565. The Zenica Hoodlums (or Green League), the Muslim Armed Forces (MOS), and the Patriotic League have all been named in connection with the attack on Zenica on 25 April 1992. 943/

46. Zvornik County 944/

566. Zvornik is located in eastern BiH on the Serbian border. It had a pre-war population of 81,111. Of that population, 59.4 per cent was Muslim, 38 per cent Serb, and 2.6 per cent "other". Here, there are reports of Serbian and Muslim paramilitary activity.

(a) Serbian paramilitary activity

567. In late March, Šešeljovci units arrived in the area and informed the Muslim residents that they had 10 days in which to turn in their weapons. 945/ At a party held in April at the Tezeko Hotel in Zvornik, Šešelj read the names of local Muslim intellectuals from a list to an audience partly comprised of members of Arkanovci, Šešeljovci, and White Eagles. The people on this list were to be killed. 946/

568. On 7 April 1992, the predominantly Muslim village of Grbavci was surrounded on three sides by the Serbian paramilitary units of Šešelj, Arkan and the White Eagles. They took over the village's important buildings and announced that all Muslims were to turn in their weapons. They had a list prepared by local Serbs of the names of all the Muslims in the village who owned weapons. Those on the list who did not turn in a weapon were taken away and not seen again. Shortly after they were removed, gunshots were heard in the forest outside the village. 947/

569. Zvornik was attacked on 8 April 1992. Arkan's troops reportedly led the attack. 948/ They were aided by JNA forces, Šešelj's, and Arkan's men. Identified perpetrators included regular JNA troops, paramilitaries, and special police, 949/ but names are not disclosed for confidentiality and prosecutorial reasons. The attack began with artillery fire that continued without interruption from 9:00 a.m. to 3:00 p.m. 950/

570. Zvornik was shelled from all sides, but especially from a hill 12 kilometres away. 951/ On 9 April 1992, Zagreb Radio Croatian Network reported that Serbian forces had entered the centre of Zvornik and that fighting had dimished. 952/ Likewise, Sarajevo Radio reported that Serbian troops had captured the town at about midday on 9 April. 953/

Fighting, however, reportedly continued in the suburbs, which were under heavy mortar fire. A school, a timber processing plant, a secondary school centre, and many multi-story buildings in the centre of Zvornik were hit. Hospital staff reported 10 people wounded and one killed at the time of the broadcast on 9 April. A transmitter allegedly was damaged so that citizens of Zvornik could not receive information other than one channel of Belgrade television. 954/

571. General Milutin Kukanjac, the Yugoslav Army's local commander, reportedly said in a Sarajevo radio interview that an army unit in the Zvornik area would intervene only if the town's civil defence forces surrendered their weapons. 955/ Zvornik's Muslim fighting force, poorly armed and coordinated, held the city for five days before retreating to a castle near Kula Grad. They conducted night attacks from the castle but had to withdraw due to lack of ammunition. Some of these forces were later arrested and imprisoned. 956/

572. During the attack on Zvornik, approximately 200 houses were burned and 76 Muslims were killed. Young males were told that they either had to join the Serbian forces, leave, or be shot. The old men, women, and children were allowed to stay. Many of the males that left reported seeing JNA tanks on the Serbian side of the Drina. 957/

573. In the Kula section of Zvornik, no advanced warning was given to turn in weapons. The men were gathered in the basement of the hospital, where the younger ones were beaten in a Serbian attempt to find out information on the defending forces. Those that refused to give information were taken away and not seen again. After a few days, the others were allowed to return to their homes. 958/

574. Serbian forces positioned across the Drina in Serbia began shelling the Muslim village of Divič, two kilometres north of Zvornik. The village was then occupied by Serbian forces, who forced the residents to turn in their weapons. The residents were subjected to regular beatings by the occupying forces, but the village was relatively calm. 959/

575. People reportedly were imprisoned, first the intellectuals, and then others as well. Various registrations were ordered, and if they were not obeyed, all property would be taken away. Many people who had left the town earlier came back for this reason. Many of them were then taken to concentration camps, tortured, and killed. Certain villagers were forced to sign statements that they "voluntarily renounce" all of their property. 960/ At least two prison camps were established in the Zvornik suburb of Karakaj: one at the Standard Shoe Factory, holding 35 prisoners, and another at the Ekonomija, holding 600 prisoners. The prisoners at Ekonomija were reportedly beaten on a regular basis by the Šešeljovci. 961/

576. A series of killings reportedly followed the fall of Zvornik. 962/ A number of them of have been attributed to Arkan's soldiers: 963/ Arkan's men allegedly stopped at each house checking the identification of residents. 964/ According to a Sarajevo radio report, on 9 April elders of the Islamic community of BiH accused Arkan's units of committing crimes against the Muslims in Zvornik. The elders claimed that Muslims were subjected to "a pogrom" because of their religion. The elders' statement disclosed that there were many Muslims killed, and a great number wounded. The elders appealed to legal entities of BiH, to members of the public, and to the United Nations and international humanitarian organizations for protection. 965/ Another Sarajevo radio report on the same day stated that Arkan's units were perpetrating a "massacre" of the Muslim population of

Zvornik. The report said that six people had died that day and 15 people were injured as a result of grenades and bombs launched from 120 millimetre calibre mortars. 966/

577. A Serbian woman told US Embassy officers in Budapest that several Yugoslav army tanks, led by Arkan, had come to Zvornik on 10 April. About 30 masked irregulars belonging to a unit under Arkan conducted a house-to-house search for Bosnian Muslim men by checking identity cards. The Serbs then allegedly cut off the heads, hands, and feet of their victims. 967/

578. According to the witness who made a statement to Amnesty International, Serbian paramilitaries, who described themselves as Arkan's men, strangled six people. At about 3:00 p.m. on 10 April, a group of about 30 men arrived at the outskirts of Zvornik and rounded up residents. They were taken out into the orchard and forced to lie down. There were 15 captives in total, nine women and six men. The men were killed, and the women were locked in the cellar of a house. After three days, people from a nearby village discovered the women. About 10 days later, the survivors were driven from the site at gunpoint and made to cross into Mali Zvornik in Serbia, from where they made their way to Hungary. 968/

579. An unidentified witness states that Arkan's soldiers visited Hasim Hadžiavdić's home. The witness maintains that the soldiers interrogated Hadžiavdić and his 74 year-old neighbour about where Muslim money and guns were hidden. When the men could not or did not answer, a soldier reportedly slit Hadžiavdić's throat. The neighbour fainted, and the soldier stepped on his chest and slit his throat as well. Then, the soldiers went to the next home, that of Šehić Hakija, and demanded the same information from him and his son. The soldiers slit the throats of Hakija and his son. It is alleged that 46 people were killed by Arkan's men in one hour on this day. 969/

580. The Zvornik hospital was overrun by Serb forces during the occupation. Arkan's men stored weapons and set up headquarters there. All those at the hospital were taken hostage until the body of "Rambo", Arkan's second in command, was returned. Around 20 April, White Eagle members arrived at the hospital, harassed hostages, threatened to kill the Muslims, shot from windows, and made people stand or squat in line. 970/

581. In mid-April 1992, Serbian forces began digging pits with a bulldozer in the Muslim cemeteries south-west of Zvornik. Trucks were seen there three times a day dumping bodies. Trucks loaded with bodies were also seen frequently in Mali Zvornik at the stone quarry near the Hotel Drina. 971/ Citizens hidden in "Little Zvornik" allegedly saw the digging of mass graves at the northern entrance of the town called Kazambašća.

582. On 11 April 1992, a news report stated that UN refugee workers had reported a day earlier that 10,000 Muslim women and children had been found huddled in a single village without food or shelter. Alija Izetbegović, the Muslim President of BiH, appealed to the international community for help after claiming that Serbian guerrillas had threatened to kill 3,000 civilians trapped near Zvornik. According to the news article, a UN refugee official had reported seeing heavily armed Serbian guerrillas clearing dead bodies from the streets. A shortage of bus drivers and concern about "armed gangs" controlling the region prevented Red Cross aid workers from approaching the area at that time. 972/ Relief workers said that Arkan's forces controlled Zvornik's centre, while Yugoslav army forces were stationed around the area. 973/

583. On 14 April 1992, Sarajevo Radio reported that members of Arkan's units were looting empty houses and apartments in Zvornik and taking the goods away

on trucks. Those who had left the village and returned to recover their property were taken to camps, tortured, and killed. Others were forced to sign statements wherein they surrendered all of their property. 974/ Dead bodies were lying in the streets, private houses, and apartment buildings. Shops had been closed for eight days, and the town lacked basic foodstuffs and medicine. The report carried an appeal on behalf of citizens remaining in Zvornik for EC observers and food. The report said that more than 10,000 refugees wanted to leave for a safe place but were unable to do so. 975/

584. Arkan reportedly appeared on Serbian state-controlled television, discussing his "exploits" in Zvornik, saying that he had "liberated" the area. 976/ Apparently, Arkan had most recently said on television that he would go on vacation with his family. 977/ Another news report said that international human rights organizations had accused the Serbian Volunteer Guard under Arkan of atrocities against civilians in Croatia before the cease-fire, whose observance was marked by Arkan's vacation.

585. Civilians continued to be assailed in May. Muslims were taken to facilities around Zvornik, where they were detained and beaten severely by Serbs. Shooting began in Zvornik on 18 May, causing most Muslims to flee to other villages or the woods at the edge of the village. Some of those in the woods returned to the village, following Serb instructions. The men who returned were shot in front of their families. 978/

586. On 17 May 1992, Šešeljovci entered Divič in Zvornik County and began to loot and pillage Muslim property for nine days. 979/ On 26 May 1992, the residents of Divič were loaded onto buses supposedly headed to Olovo. Instead the buses went to Tuzla and on to Zvornik. In Zvornik, they were housed for 36 hours on the second floor of an office building, where they were given regular meals and water. 980/

587. On 29 May 1992, the 174 male residents from Divič were moved to a movie theatre in a cultural centre in Čelopek, seven kilometres north of Zvornik. The prisoners were threatened with death unless they could come up with 2,000 DM per person, which they did. Nevertheless, the prisoners were still beaten, tortured, sexually abused, and killed. 981/

588. In May 1992, Serbian forces moved into the Zvornik village of Djulići, killing 60 residents. 982/

589. Also in May, local Serbs, including a policeman, attacked Kostjerevo village. Their names are not disclosed for confidentiality and prosecutorial reasons. Apparently, the entire population of the village was taken away to Drinjača where 35 men were beaten and killed in a hall. A dozen teenage boys were taken prisoner and led in the direction of Zvornik. Women were raped and tortured. According to the witness, on 31 May, about 150 women and children were taken in two buses in the direction of Tuzla. 983/

590. In June and July, the number of detentions increased and the beatings continued. Both the Bosnian Serb police and Šešelj's men were responsible. 984/ A former prisoner related that on 4 June, the detainees were moved to a neighbouring house with another 120 Muslims, and kept there six weeks, during which time they were repeatedly beaten. Men from Šešelj's unit carved crosses into the heads of 10 Muslim prisoners. Bosnian Serb police tightened wires around other prisoners' necks. On 15 July, the prisoners were taken to a detention camp in Batković, where they were beaten regularly with sticks. The witness was finally released as part of a prisoner exchange. 985/

591. On 26 June 1992, Muslim men, women, and children were rounded up by what were believed to be Šešelj's men, as well as White Eagles. They were taken to the centre of town where they were put onto trucks that took them to Loznica. In Loznica, they boarded a train that took them to Subotica. After spending several days on the train in Subotica, the Muslims were moved to a campsite at Palić, where they were issued Yugoslav passports stamped by the Ministry of Internal Affairs. Then they were taken in groups to the Hungarian border and accepted as refugees. 986/

592. Charles Lane wrote in The New Republic in July 1992 that he, along with about eight carloads of Sarajevo-bound journalists, passed through Zvornik. He wrote that Zvornik had been the scene of numerous alleged atrocities against Muslims and perpetrated by paramilitary Serbian bands such as those of Arkan. Lane wrote that Arkan's name was daubed in black paint on the walls of burned-out homes and businesses in the town. He and the other journalists arrived shortly after midday. The Serb gunmen manning the local checkpoint "were drunk, mad, and in a mood to poke us with their automatic weapons". A policeman intervened, informing the journalists that "a battle" was going on up ahead which made the way dangerous. The journalists waited as a Serb paramilitary officer dressed in a camouflage tunic and riding breeches drove up in a Mercedes and waved an AK-47 at them. Reportedly the paramilitary officer said in "precise English", "If you take a single picture between here and Sarajevo, I will personally kill you".

593. Within moments, three buses passed through the checkpoint. Each bus contained Muslim men, their heads bowed and touching the seats in front of them, and their hands behind their necks. Lane caught a glimpse of one man's "fearful" eyes through the window. 987/

594. According to a US Government report, Radoja Nikolić allegedly led Serbian paramilitary groups in Grbavci near Zvornik and an identified man, whose name is not disclosed for confidentiality and prosecutorial reasons, served as chief of the Serbian Guard in Karakaj. 988/

(b) Muslim paramilitary activity

595. Quoting Tanjug, the Democratic League of Koševo reports that in the second week of October 1992, a unit of Muslim fighters called the Mosque Doves attacked the villages of Pantići and Miloševići which are about 20 kilometres from Zvornik. 989/ There are only approximations of the number of people killed since Tanjug was inconsistent in its reports on these attacks. On 12 October, it reported that 50 villagers, mainly the elderly, were killed. Then, the next day, they reported that 13 civilians and 23 members of the Serb forces were killed. The Mosque Doves were said to use "rifles from Hungary and Arabic countries" and included Muslims and some Croatians from the Zvornik area. 990/

B. Croatia

1. Beli Manastir County 991/

596. This county is located in north-eastern Croatia, bordered by Serbia to the east. According to the 1991 census, Beli Manastir had a population of 54,160, of which 25.5 per cent was Serbian, 41.7 per cent Croatian, 16.5 per cent Hungarian, 7.9 per cent "Yugoslavs", and 8.4 per cent "other".

597. In August of 1991, 260 Croat citizens of the Baranja area were killed by local Serbs and Šešelj's soldiers. Marko Kvesić, representative of the

Government of the Republic of Croatia for the Beli Manastir District, stated that the Croatians of Baranja were ordered to leave their homes, and that those who refused to do so were shot. Explosions were set off, property was taken, and people were beaten. Those fleeing the village into Hungary were seen with broken limbs and disfigured faces. 992/

598. Furthermore, the Serbian parmilitary group, Martić's Militia, led by Milan Martić, was alleged to have been conducting paramilitary operations in Beli Manastir and to have organized camps and prisons in the county. In these camps, captured civilians and members of the Croatian Army were severely mistreated and/or killed. 993/

2. Benkovac County 994/

599. Benkovac County is located in west-central Croatia. The pre-war population was 33,079. The ethnic breakdown of the population was 57.4 per cent Serbian, 40.6 per cent Croatian, and 2 per cent "other".

600. On 21 December 1991, a paramilitary group under the leadership of Bogdan Gagić allegedly killed nine Croatians and one Serbian in the village of Bruška in Benkovac. Other inhabitants were reported to have been tortured or evicted. Although the report indicates that Gagić's group had 31 members it does not identify them nor does it provide any information as to the ethnicity of its members. 995/

601. In February 1993, the town of Benkovac in Benkovac County was reported to be under the complete control of Arkan. No details as to how this was accomplished were reported. 996/

3. Daruvar County 997/

602. This county is located in north-central Croatia with a pre-war population of 29,978. Of this population 33.2 per cent was Serbian, 34.3 per cent Croatian, 27 per cent "other", and 5.5 per cent described as "Yugoslav".

603. In June 1991, the JNA and the Serbian Democratic Party (SDS) for Slavonia and Baranja allegedly formed the XII Slavonian Shock Brigade for the area of Daruvar, Grubišno Polje, Pakrac, Virovitica, Podravska Slatina and Slavonska Požega. One formation of the brigade was the Unit of Daruvar, headquartered in Bijela. They also formed the Police of SAO Krajina and West Slavonia. 998/

604. The Unit of Daruvar and members of their police units allegedly participated in a number of attacks and incidents, often in concert with the JNA and other "Četnik" forces. On 19 and 20 June 1991, five policemen were killed and five wounded during two separate attacks by members of the Unit of Daruvar. On 21 August 1991, the Unit of Daruvar began shelling Daruvar. The report indicated that the shelling of various villages within this county continued through 12 November 1991. 999/

4. Dvor County

605. Dvor County is located in south-central Croatia with BiH at its southern border. According to the 1991 census, the population was 14,636, of which 85.6 per cent was Serbian, 9.5 per cent Croatian, and 4.9 per cent "other".

606. According to the Croatian Information Centre, a Serbian paramilitary

group from Dvor na Uni, attacked two nearby villages, Kozibrod and Struga on 26 July 1991. The attack began at 10:30 a.m. and lasted until 9:00 p.m. that night. Allegedly, the attackers used civilians from the two villages as shields as they advanced on the Croat police station at Kozibrod. Once in control of the police facilities, the paramilitaries killed seven civilians and eight policemen. The report also lists eight civilians as seriously wounded by gunfire. 1000/

5. Glina County 1001/

607. This county is located in central Croatia, with Zagreb to the north and BiH to the south. The pre-war population was 22,997, of which 60.5 per cent were Serbian, 35 per cent Croatian, and 4.5 per cent "other".

608. Martić's Militia allegedly organized camps and prisons in Glina. In these camps, captured civilians and members of the Croatian Army were allegedly severely mistreated and killed. 1002/

609. According to a report from the Republic of Croatia, 22 Croatians, mostly elderly, were killed in the Glina village of Glinska Joševica on 16 December 1993 by a special Serbian Territorial Defence unit, the Visors, led by an identified man, whose name is not disclosed for confidentiality and prosecutorial reasons. Victims were killed in their homes with small-bore, silencer-equipped guns. The Croatian report claims that the attack was initiated by Serbian authorities in Glina to revenge the death of 19 members of Territorial Defence units killed in battle with the Croatian Army. 1003/

6. Gračac County

610. Gračac County is located in the central coastal area of Croatia. According to the 1991 census, its population was 11,060. The ethnic make up of this population was 82.3 per cent Serbian and 17.7 per cent Croatian.

611. On 20 July 1991, about 10 members of the Serbian group the Velebit Unit allegedly carried out a mortar attack on Lovinac, killing one local woman. According to the report of the Republic of Croatia, they attacked the village again on 5 August 1991. One civilian was killed, and one reserve policeman and another civilian wounded. The perpetrators also caused significant property damage. On that same day, the members of the Velebit Unit took five villagers from their homes and killed them about 2 kilometres form Lovinac in the direction of Raduča. 1004/

7. Grubišno Polje County 1005/

612. This county is located in the central region of northern Croatia. Its pre-war population was 14,186, of which 32.1 per cent was Serbian, 42.3 per cent Croatian, 4.5 per cent "Yugoslav", and 21.1 per cent "other". There are reports of both Serbian and Croatian paramilitary activity in this county.

(a) Serbian paramilitary activity

613. In June 1991, the JNA and the Serbian Democratic Party (SDS) for Slavonia and Baranja formed the XII Slavonian Shock Brigade for the area of Grubišno Polje, Daruvar, Pakrac, Virovitica, Podravska Slatina, and Slavonska Požega. The Bilogora Unit was formed as part of this brigade and allegedly

took part in several attacks, in concert with the JNA throughout August, September, and October 1991. These attacks resulted in several casualties and mistreatment of the non-Serbian population. 1006/

(b) Croatian paramilitary activity

614. According to witness testimonies reported by the Serbian Council Information Centre, the Croatian paramilitary group, the Black Shirts from Virovitica, arrived in Grubišno Polje on 13 August 1991, and proceeded to arrest and kill civilians, destroy property, and steal the villagers' money. 1007/

615. The Black Shirts allegedly began their activities in the area by blocking roads, setting up check-points, and taking over police duties. They arrested, according to a previously compiled list, 124 people and held them in the Grubišno Polje Hotel. Twenty well-respected men in the community, who were on the previously mentioned list, were later found dead. The Black Shirts are reportedly led by an identified man, whose name is not disclosed for confidentiality and prosecutorial reasons. 1008/

8. Knin County 1009/

616. Knin County is located in the central, southern region of Croatia with BiH on its eastern border. According to the 1991 census, its population was 42,337, with 88.6 per cent Serb, 8.6 per cent Croat and 2.8 per cent "other".

617. In January of 1993, Petar Pašić, Commissioner of the Croatian Government for the Knin municipality, requested that UNPROFOR do everything possible to protect the Croats who had chosen to remain in Knin, 800 of them in all. Refugees had been pouring into Knin from Benkovac and Obrovac, and Pašić described that because local troops had organized under the command of "Captain Dragan" and Četnik formations and units of Arkan and Šešelj had arrived in the region, life was rendered "unbearable and impossible". The report notes that refugees were forcibly moved into Croatian homes, and that Croatians were being taken to concentration camps and killed. 1010/

618. Serbian paramilitary forces led by Milan Martić are also alleged to have operated in and around Knin. Milan Martić is Minister of the Interior for the Republic of Serbian Krajina and, according to reports, he trained forces called the Martićevci for operations in Croatia and gave commands from offices stationed in Knin.

9. Krajina

619. A cease-fire between Croat and Serb forces broke down during the third week of January 1993, when Croat troops launched an offensive in and around Krajina. This act, along with reports of Croat soldiers committing atrocities upon Serbian civilians, prompted hundreds of Serbians to volunteer their services in the fight against the Croats. 1011/ In addition to the independent Serb volunteers traveling to the front lines, militiamen belonging to Šešelj and Arkan had already arrived in Krajina and had seen action. 1012/ In an interview, Šešelj stated, "We will not allow Croatians, who killed one millions Serbs, to gain Serbian territory". Šešelj also bragged that his men were responsible for killing 12 Croatian policemen in a 2 May ambush in north-eastern Croatia. In all, close to 4,000 of Šešelj's and Arkan's men were said to have reinforced the Serb volunteers fighting in Krajina. 1013/

10. Metković County

620. This county is located north of Dubrovnik in southern Croatia with BiH on its eastern border. According to the 1991 census, the population was 22,774, of which 3.1 per cent was Serb, 93.7 per cent Croat, and 3.2 per cent "other".

621. Paramilitary units of the Croatian Armed Forces (HOS) allegedly ran detention facilities for Serbian civilians at sites along the Dalmatian coast including one in Metković. Allegedly, these facilities contained civilians taken from the Čapljina municipality of BiH.

11. Nova Gradiška County

622. Nova Gradiška County is located in central Croatia along the northern border of BiH. According to the 1991 census, the population was 60,461 of which 20.8 per cent was Serb, 71.5 per cent Croat, 3 per cent "Yugoslav", and 4.5 per cent "other".

623. Serbian paramilitary forces commanded by Milan Martić allegedly operated at Stara Gradiška, a village in Nova Gradiška on the Sava river.

12. Osijek County 1014/

624. Osijek County is located in eastern Croatia, just north of Vukovar County. As of 1991, it had a population of 164,577. The ethnic breakdown of the population was 20 per cent Serb, 66.6 per cent Croat, 8.4 per cent "other", and 5 per cent "Yugoslav". There were reports of both Serbian and Croatian paramilitary activity in this county.

(a) Serbian paramilitary activity

625. On 15 February 1991, Arkan's police entered the village of Šodolovci and invaded the homes of several Croatian residents. Eight of the civilians were abducted and taken to a home, and then to another home in Koprivna. They spent two nights there, during which time they were questioned, humiliated, and mistreated. On 17 February, 15 additional residents arrived. The next morning all 23 were loaded onto a truck and driven to the centre of Paulin Dvor. The residents were positioned into line-formation, and one resident was given a white flag. They were then ordered to walk over minefields towards Hrastin. 1015/

626. A 29 November 1991 news report said that the Serbian-led Yugoslav People's Army had conquered one-third of Croatia and had turned the territory over to Serb leaders, who had declared the area a new autonomous Serbian province. At the village of Erdut on the Danube River, temporary regional capital of the purported province, Arkan reportedly made clear that his irregular forces would never be replaced by U.N. troops. Arkan is alleged to have said, "United Nations forces are welcome in Croatia, but they should be sent to Zagreb. They aren't needed here." According to the report, like most Serbian fighters, Arkan and his Tigers did not consider the occupied regions to be part of Croatia. Therefore, they thought them exempt from a U.N. condition that all areas of conflict in Croatia be demilitarized. 1016/ A contemporaneous report states that Arkan, in the Serb-held village of Erdut, 12 miles from Osijek, said, "It would be better for the Croats to surrender Osijek without a fight, if they do not want a repeat of their defeat in Vukovar". 1017/

627. A December 1991 report states that Arkan and his troops held the town of Erdut. According to the report, Arkan said, "Next we are going to liberate Osijek, and then we are going to liberate Zagreb . . . We don't care about borders . . . We will respect the U.N. solution, but the U.N. must count all Serbs as one people. What I really want is for Serbian people to live in one state covering every place Serbs live now." At this time, Arkan was reportedly nursing "a bullet wound in his hand from the Serb-won battles for Vukovar and Borovo Naselje". 1018/

628. On 23 June 1992, between 25 and 30 people were killed in the village of Ernestinovo, reportedly by Arkan supporters, the JNA and "Četniks". Ten of the victims were Croatian soldiers, and there were indications that they were killed in combat. All of the bodies were buried in a mass grave, alongside the bodies of farm animals, in an Ernestinovo park between June and November of 1992. There is a possible second mass grave which also contains farm animals. 1019/

(b) Croatian paramilitary activity

629. According to US Government reports, paramilitary forces under Commander Glavaš were responsible for criminal acts designed to intimidate the Serbian population in Osijek. Glavaš himself is alleged to have killed many civilians there and one Croat fighter from the region was reportedly captured wearing a necklace made from the fingers of young children. 1020/

13. Pakrac County 1021/

630. This county is located in UNPA Sector West. The 1991 census listed Pakrac County's population as 27,288, of which 46.4 per cent was Serb, 36 per cent Croat, 4.8 per cent "Yugoslavs" and 12.8 per cent "other".

631. According to a report from the Republic of Croatia, on 19 August 1991, 39 members of the Serbian paramilitary units, called the XII Slavonian Shock brigade, attacked Pakrac. Croatian civilians were killed, evicted, or imprisoned at a camp in Bučje, and Croatian property in Pakrac was stolen or destroyed. The XII Slavonian Shock brigade was allegedly formed by the JNA and the Serbian Democratic Party and included troops from the Unit of Daruvar and the Bilogorski Odred paramilitary units. 1022/

632. Croatian civilians in the village of Prekopakra were reportedly attacked by units of the XII Slavonian Shock brigade on 19 August 1991. An unspecified number of Croatian civilians was killed, evicted, or imprisoned at a camp in Bučje. Also, Croatian property in Prekopakra was allegedly stolen or destroyed. 1023/

633. The Serbian paramilitary group Martić's Militia allegedly organized camps and prisons in the village of Bučje, Pakrac county. In these camps, captured civilians and members of the Croatian Army were allegedly severely mistreated and/or killed. No further details were given in the report. 1024/

14. Petrinja County 1025/

634. Petrinja County is located in central Croatia, with a population of 35,622. This population was 44.9 per cent Serb, 44.2 per cent Croat, 5.1 per cent "Yugoslav" and 5.8 per cent "other".

635. In September 1990, Serbs from Petrinja and surrounding villages reportedly attacked the police station in Petrinja. It is alleged that they demanded the surrender of arms belonging to the Croatian Police Reserve. The Croatian Ministry of the Interior organized a transfer of arms in the direction of Sisak, but the Serbs reportedly stopped it at Moščenica and returned it to Petrinja. 1026/

636. The tension in Petrinja increased and reached a peak in 1991. As early as June 1991, Serbs from the villages surrounding Petrinja, helped by Arkan's and Šešelj's men and units of the former Yugoslav army, attacked the Croatian Ministry of the Interior police station in the village of Kraljevčani. The policemen withdrew to Petrinja.

637. Mass killings of civilian villagers allegedly followed in July 1991. A witness reported that frequent explosions at night were targeted at, among others, Serbs who remained loyal to the Croatian authorities.

638. By 23 September 1991, all the defenders had left the city.

15. Podravska Slatina County 1027/

639. Podravska Slatina County is located in north-eastern Croatia, on the Hungarian border. The county had a population of 31,155 in 1991, of which 35.8 per cent was Serb, 57.2 per cent Croat, 3.5 per cent "Yugoslav" and 3.5 per cent "other".

640. During June 1990, the Serbian Democratic Party was established in Podravska Slatina. On 19 August 1991, paramilitary troops under the command of Borivoje Lukić and Borivoje Radosavljević occupied the police station at Voćin. 1028/ In December 1991, 42 Voćin Croats were killed by Serbian paramilitary forces, including local Serbs, White Eagles, and "Četniks". Many of the corpses were severely burned. Twenty other Croatians from nearby villages were also reportedly killed. The Roman Catholic church was blown up and many of the houses in Voćin were destroyed. 1029/

641. On 4 September 1991, Šešeljovci and White Eagles allegedly attacked the villages of Voćin, Četekovac, Balinci, and Čoljug killing 44 residents. Some of those killed were said to have been tortured. 1030/

642. During the months of October to December 1991, units of the XII Slavonian Shock Brigade also attacked villages in Podravska Slatina. They used mortars, tank grenades, and rocket launchers in the attacks. 1031/

16. Sisak County 1032/

643. This county is located in central Croatia, south-east of Zagreb. The pre-war population was 84,247, of which 22.8 per cent was Serb, 64.5 per cent Croat, 3.1 per cent Muslim, 4.4 per cent "Yugoslav" and 5.2 per cent "other".

644. A report, sent from the Federal Republic of Yugoslavia to the Commission of Experts, alleges that, during the first half of 1991, a paramilitary unit called the Hawks destroyed a slaughterhouse and four shops belonging to Serbian residents in Sisak. The Hawks were reportedly linked to the Croatian Ministry of Internal Affairs. 1033/

17. Slavonska Požega County

645. This county is located in the central eastern region of Croatia. As of 1991, its population was 71,299, of which 14 per cent was Serbian, 79.4 per cent Croatian and 6.6 per cent "other".

646. After June 1991, the Bilogorski Odred participated in attacks in Slavonska Požega, along with other units of the XII Slavonian Shock Brigade and the JNA. Allegedly, the JNA and the Serbian Democratic Party (SDS) for Slavonia and Baranja formed the XII Slavonian Shock Brigade for operations in Slavonia, including Slavonska Požega county. However, reports submitted to the Commission of Experts are not specific regarding paramilitary activity there. 1034/

18. Split County 1035/

647. Split County is located on the southern coast of Croatia. It's population, according to the 191 census, was 206,612. The ethnic mix in Split was 4.2 per cent Serb, 87.3 per cent Croat, 8.5 per cent "other".

648. Before being disbanded in August 1992, members of the Croatian Armed Forces (HOS) ran the Lora camp in Split for Bosnian Serb prisoners captured in Čapljina County in south-west BiH. 1036/

19. Titova Korenica County 1037/

649. This county is located in southern Croatia. The pre-war population was 11,307, of which 75.8 per cent was Serb, 16.8 per cent Croat, 3.5 per cent "Yugoslav", and 3.9 per cent "other".

650. Serbian paramilitary forces commanded by Milan Martić also are alleged to operate in Titova Korenica County.

20. Virovitica County

651. This county is located in northern Croatia. According to the 1991 census, the county's population was 46,498. This population was 15.7 per cent Serb, 76.8 per cent Croat, and 7.5 per cent "other".

652. Virovitica is one of several Slavonian counties where the XII Slavonian Shock Brigade operated after June 1991. The Brigade launched infantry and mortar attacks and took prisoners throughout Slavonia, including Virovitica County.

21. Vukovar County 1038/

653. Vukovar County is in eastern Croatia, separated from Serbia by the Danube River. According to the 1991 census, the population of Vukovar County was 84,024, of which 37.4 per cent was Serb, 43.7 per cent Croat, 7.4 per cent "Yugoslav", and 11.6 per cent "other". There are reports of both Serbian and Croatian paramilitary activity in Vukovar County.

(a) Serbian paramilitary activity

654. On 1 April 1991, in the town of Borovo in Vukovar County, six weeks

before Croatian Stipe Mesić was to become the president of the collective head of state, some of Šešelj's troops moved into the village of Borovo. 1039/ The "Četniks" had been sent to the region to protect the minority Serbs from the increasingly nationalistic Croatians. 1040/ The "Četniks" allegedly surrounded two police patrols, injuring five, one critically. 1041/ Barricades and armed sentries were established at various locations in the region, but reports suggest that they were mainly staffed by Serbs from the neighbouring communities of Vukovar and Vinkovci. 1042/ Šešelj, however, had personally visited Vukovar the night of 31 March. 1043/ The "Četniks" remained in the region and the JNA remained silent and made no attempt to disarm them. 1044/

655. Šešelj returned to the region on 21 April 1991 to give a speech in the village of Jagodnjak. 1045/ The speech prompted the district public prosecutor's office to issue a warrant for Šešelj's arrest on 7 May for provoking and fomenting national hatred and intolerance between Croatians and Serbians. 1046/

656. On 8 May 1991, a gun-fight broke out in the region between police in the village of Borovo Selo and 14 members of the "Četniks" accompanied by two members of the Serbian Renaissance Movement, and six local Serbs. 1047/ The shooting began as a result of an alleged ambush of the police by the "Četniks", in which 12 police were killed and at least one had his eyes extracted. 1048/

657. Šešelj publicly acknowledged that his Četniks killed the 12 Borovo Selo police, but insisted that the altercation resulted after an attack by members of the Croatian Ministry of Internal Affairs and was an alleged ambush. 1049/ Šešelj confirmed that the eyes of one policeman were missing and attributed it to the strong impact of the bullet from the Thompson automatic sub-machine-gun to the head of the victim. 1050/

658. The names of the 12 or 13 police that were killed were not disclosed in the reports, nor were the names of the witnesses. According to a Newsday report, the deputy commander of the Četnik operation was 23 year-old Oliver Denis Barret. 1051/ A Los Angeles Times report did name Vladimir Mrklja, a 21 year-old unemployed Serbian, as one of the "Četniks" involved in the incident. 1052/

659. The battle over Vukovar raged in the summer and fall months of 1991. A report quoted Arkan, while in battle over Serb-populated areas of Croatia, as saying, "We have to free our children and our women which are holding [sic] as hostages there". 1053/

660. On 14 October 1991, Serbian irregulars and members of the JNA entered the village of Bapska. In the first few days of occupation, 70 Croatian houses were burned and 18 Croatian civilians killed. In November 1991, Arkan's troops arrived and the assaults against the Croatians increased. 1054/

661. A Yugoslav army internal memorandum, signed by Colonel Milan Eremija a month before the fall of Vukovar and sent to the army's regional command office, identified two militia groups in the Vukovar region as dangerous to "military morale". One was a band led by Arkan and the other, the Četniks led by Šešelj. The memorandum said that there were many paramilitary formations from Serbia and self-proclaimed volunteers, whose primary motive was not fighting against the enemy but robbery of private property and inhuman treatment of Croatian citizens. The memorandum reportedly recommended that all paramilitary groups in the area be disarmed. 1055/

662. In November of 1991, Serb militia forces devastated the city of Vukovar. According to a New York Times report, during the final days of the Vukovar battle, Western reporters saw Serbian soldiers pulling men in civilian clothes from columns of refugees and shooting them on the spot. 1056/ Women, children and the elderly were among the victims. In late November 1991, the last defenders of Vukovar, which had been predominantly Croatian, hid in cellars with their families to escape the shelling. Reportedly, those who had refused to surrender when the army took the city's centre were blasted when guerrillas lobbed grenades to flush out each basement. 1057/ Reports describe that on 19 November 1991, Serbian paramilitary units under the command of Vlado Kovačević took Vukovar civilians from their basements to the Pekara bakery, where they were reportedly killed with knives and burned in a baker's oven. 1058/

663. According to several witness testimonies, Šešelj himself was in Vukovar on 19 November 1991. He allegedly paid each of his troops 23,000 dinars. 1059/ He gave the instruction, "Surrender and stab to death". About 960 persons were allegedly stabbed to death that day. 1060/

664. On 19 November 1991, having heard a report that hundreds of wounded Croatians, many with gangrene, were hiding in the hospital basement without medicine or electricity, U.N. peace envoy Cyrus Vance and International Committee of the Red Cross (ICRC) representatives reportedly demanded access to the hospital in Vukovar. The field commander of the Serb-led Yugoslav army, which had captured the city, did not permit access. The commander reportedly said that the hospital was mined, and he could not guarantee their safety. 1061/

665. Concurrent with the Vance/ICRC visit, Yugoslav Army soldiers and Serb paramilitaries put Vukovar hospital patients and medical personnel on several buses to Ovcara and frequently beat and mistreated the prisoners during the journey. Along the way, the buses stopped at the JNA barracks where the prisoners were again beaten. Upon their arrival at Ovcara, the prisoners were stripped of their belongings and further beaten. One witness stated that at least two men were beaten to death. On 20 November, the Yugoslav army soldiers divided the prisoners into groups of 20 and loaded each group onto a truck to be driven away. Fifteen minutes later the truck would return, empty and ready to take on another group of prisoners. A witness said that many of the Serb paramilitaries spoke openly of the shootings. One gunman reportedly said: "Since five in the afternoon to one in the morning, we were killing them in Ovčara". According to the 29 November 1991 edition of the Croatian magazine Globus, a Serbian soldier who introduced himself as one of Arkan's men told a reporter who visited Vukovar one day after it fell: "We summarily executed 300 prisoners. We have a people's court here, you shoot and that's it." 1062/

666. Several witnesses related that several factions were involved in the imprisonment and eventual mass killing of the Croatians from Vukovar Hospital: the White Eagles, the Serbian Volunteer Guard (led by Arkan), the Četniks (led by Šešelj), the first company of the territorial defence unit of Vukovar, and other Yugoslav army regulars. 1063/ The SAO Krajina Police (possibly Martić's Militia) were also mentioned. A witness mentioned several individuals as perpetrators of the detention, beating, and killing of between 200 to 300 Croatians. The witness identified six of the men who beat the prisoners while they waited at the JNA barracks to be transported to Ovčara. However, their names are not disclosed for confidentiality and prosecutorial reasons. The witness identified the officer who directed the Vukovar hospital evacuation and named four others. 1064/ Names are not disclosed for confidentiality and prosecutorial reasons.

667. In the fall of 1992, international forensic experts discovered a shallow mass grave about six miles south-east of Vukovar. The scientists found the mass grave by following detailed map information provided by a Vukovar hospital patient, who said he escaped from a truck full of prisoners by jumping out. At the mass grave, the scientists saw hundreds of bullet holes in nearby saplings and mounds of metal casings from spent machine-gun bullets. The experts reportedly concluded that the grave was the site of a machine-gun execution of about 200 people. 1065/ They found an area of disturbed earth and, within minutes, skeletons. Reportedly the area looked as if a bulldozer had shoveled out a trench. 1066/ Scientists had a list of 180 missing patients and 30 staff members who were in the hospital when Vukovar fell as well as hospital records showing what wounds the patients had when they were admitted to the hospital. 1067/

668. Clyde Snow, an American forensic anthropologist who headed the team investigating the Vukovar case, said in a January 1993 interview that evidence found at the mass grave was consistent with witnesses' testimony of how Croatian patients were taken from the hospital by Serb combatants. Snow indicated that the artifacts found on the bodies were Croatian, and that the bodies were suspiciously close to where witnesses said they would be. According to Snow, Roman Catholic crosses and rosary beads found on two bodies exhumed at the site suggested that the dead were Croats. Of the two bodies examined thus far, both had gunshot wounds to the head. Snow's team, organized by a US-based group called Physicians for Human Rights, released a report in January 1993. 1068/

669. Šešelj and his men were also said to have been at Velepromet, the holding facility for civilians who were eventually taken to other prison camps. This report stated that with help from local "Četniks", 250 persons were stripped and killed with a knife. The bodies were stacked one upon another, face down. Croatians were forced to bury the bodies at an old brickyard at Sajmište. From there, the corpses were transported to Grabovo and thrown into a hole. 1069/

670. As a result of the fighting in Vukovar, 1,798 people are known to have died and 2,500 are missing on the Croatian side. The Serbian side has not released casualty figures. 1070/ Another report puts the death toll at 5,000. 1071/ Slavko Dokmanovic, the Serb-installed president of Vukovar's city council, said that about 5,000 people had died in the fight but did not indicate how he calculated the figure. 1072/

671. The city of Vukovar sustained massive destruction: every tree was reduced to splinters; every vehicle perforated; every roof torn off; not a single home habitable; no shop, church, or public building intact; and a rubber factory which had provided 60,000 jobs was in shambles. A report said that the stench of rotting flesh emanated from under the piles of rubble. 1073/ In September 1992, a reporter observed in residential neighbourhoods, reportedly with no strategic value, that every single home had been gutted by grenades, tank fire, and machine-gun salvos, every window broken, and every roof blown off. Some homes had Orthodox Serbian cross painted on ruined walls, others the Catholic cross of Croatia, symbols reportedly intended to protect the homes from respective opposing armies. 1074/

672. According to a San Francisco Chronicle report, Arkan's troops were responsible for much of the destruction in the Croatian neighbourhoods. 1075/ Another report attributed the wreckage to the work of Yugoslav federal forces, and quoted Arkan as saying that the destruction of Croatian "fascists" had been necessary in order to protect against "genocide". 1076/ Shortly after the fall of Vukovar, Arkan

reportedly said that his forces were under the direct command of the Yugoslav armed forces. A news article claims that he told reporters in Erdut that Osijek would fall more easily than Vukovar. 1077/

673. By the end of November 1991, Vukovar was named the capital of the Serbian Autonomous Region of Slavonia, Baranja, and West Srem. After surveying the ruins of Vukovar, Belgrade, Mayor Milorad Unković vowed to rebuild the city as a monument to Serbian determination. Unković told a handful of unshaven, middle-aged guerrillas, "To rebuild this town is the humane thing to do. It's something that has to be done for the people who lived here and wish to remain." These guerillas, who had stopped looting to join the Belgrade delegation, wore Serbian nationalist insignia. 1078/

674. Serb paramilitary groups also allegedly operated in Lovas and Borovo, two villages within Vukovar county. Arkan himself was once in Borovo, at which time he personally killed a village resident in front of witnesses. 1079/

675. The attack on Lovas began on 10 October 1991. During the first few days of the attack, "Četniks" allegedly killed over 70 persons and burned over 50 houses. The report identified the "Četnik units" as those of Dušan Silni and the White Eagles. 1080/

676. On 22 December 1991, a resident of Lovas was taken from his house with another civilian to the town police station, where Arkan's units were located, along with White Eagles and Knindža's units. The citizens were beaten, kicked, and abused. They were then taken to a garage with other villagers, and three of them were crucified and made to sing Croatian songs. Eventually all of the villagers were released. 1081/

677. In addition, an Amnesty International Report from March 1992 refers to numerous summary executions of civilians in the Lovas area. These executions were carried out by several different paramilitary groups, including the Beli Orlovi (White Eagles), Dušan Silni (Dušan the Great), Arkan's and Šešelj's men, Jovićevci and Martićevci. 1082/ Specifically, the report notes that on an unspecified date, 51 Croatian civilians were killed by Serb irregulars, and an additional 17 civilians were forced to hold hands and enter a minefield. Many of them were seriously wounded in the subsequent explosions. 1083/

678. Serb paramilitary forces were also active in Tovarnik, a town south-east of Vukovar city, on the border separating Croatia from Serbia. According to reports, on 7 September 1991, Dušan Silni forces killed a Catholic priest and set homes on fire there. 1084/ Reports also describe how, between 27 and 30 September 1991, a Serbian paramilitary unit called Drago's Group raped two 14 year-old girls in front of their grandmother and killed approximately 80 people. 1085/

679. In Borovo Naselje, a local paramilitary unit allegedly detained civilians and transported them to a prison camp at Stajićevo in Serbia. A witness stated that during the ride to the prison camp, members of the paramilitary unit beat the prisoners. The same witness stated that the Stajićevo prison camp held 6,500 people from Vukovar County and that many women were detained there. 1086/

(b) Croatian paramilitary activity

680. Allegedly, Mile Dedaković, alias "Jastreb", commanded Croatian paramilitaries in Vukovar who killed and tortured civilians. 1087/

22. Zadar County 1088/

681. This county is located on the western coast of Croatia. Its population in 1991 was 134,881, of which 10.5 per cent was Serb, 83.4 per cent Croat and 6.1 per cent "other".

682. The Belgrade news agency, Tanjug, reported that the Italian mercenary unit trained by Serbian commander Captain Dragan carried out reconnaissance and sabotage missions along combat lines in the Velebit mountains, north of Zadar. 1089/

683. On 18 November 1991, Serbian paramilitaries, belonging to Šešelj, reportedly attacked the civilian population of Škabrnja in the county of Zadar using tank and infantry units, and killing 16 civilians. 1090/

C. Serbia

1. Hrtkovci

684. The activities of Šešelj's men in Hrtkovci began in early May of 1992, when Šešelj delivered a speech on 6 May stating that all Croatians and Hungarians who had been disloyal in the last year's war would have to leave the town. One of his followers had a list which contained the names of 17 residents who were selected as the first group to leave. At the time, 70 per cent of the 3,000 person population was Croat. The first 17 left, but other lists followed. As of August of 1992, only 400 Croatians remained in the village. Those who chose to stay were forced to endure threatening letters, beatings, and attacks on their homes. 1091/ Streets were renamed after Serb historical figures. The Šešelj party even devised a slogan for its campaign to rid the area of Croats: "All Croats Out Of Hrtkovci". 1092/

685. Gangs of Serbs have forced Croats out of their homes, at times giving them mere days or hours to vacate their premises. 1093/ Residents complained to the local police, but the police said that lacked authorization to act. Several people have been killed. 1094/ Many citizens traveled to Belgrade in August of 1992 to protest the mistreatment of the Croatians in Hrtkovci. 1095/

2. Kosovo

686. The province of Kosovo, which is 90 per cent Albanian, has been the site of much tension between Serb forces and the Albanian civilian population. Serbs began their attempts to influence the Albanians' lives, both culturally and politically, in 1992 by closing colleges, dismissing 100,000 Albanian workers and replacing them with Serbs, and arming massive numbers of Serbs who live in the province. President of the Kosovo Albanians, Ibrahim Rugova, reported that he possessed secret information that paramilitary groups led by Arkan and Šešelj were already present in Kosovo in 1992. Shots were fired at Albanian civilians and their houses. 1096/ In December 1992, Arkan was elected to the Serbian parliament to represent Kosovo, and he established his headquarters in a Priština hotel. Šešelj called for the expulsion of 360,000 Kosovo Muslims in January of 1993, adding yet another cultural group to the conflict in that province. 1097/ Priština, the capital of Kosovo, was selected by Šešelj in May of 1993 as the site for an anti-Albanian rally. This rally was planned in response to a strike by 1,500 journalists and other employees of the Rilindja newspaper. 1098/

687. By June 1993, Serb police were noted to "control everything and

constantly terrorize the Albanian Kosovars". Belgrade had issued orders to "shoot to kill", and 25 innocent Albanians had already been shot at point-blank range. In all, 40,000 Serb military and 25,000 Serb policemen, as well as large numbers of the Serbian civilian population, were heavily armed. Thousands of Serb refugees from BiH and Croatia were purposefully resettled in Kosovo to weaken the huge Albanian majority in the province. Two Serb policemen were murdered in June, reportedly under Šešelj's order so that he could blame the murders on the Albanians and fan the flames of an already tense situation. 1099/ President Rugova hypothesized that Serb aggression in the area might provoke a wave of Albanian radicalism, whereby Šešelj's followers might supply arms to radical Albanian groups to provoke incidents against the civilian population. 1100/

688. Although no longer Kosovo's representative in Parliament, Arkan was recently quoted as saying: "We are going to deport Rugova and open the border to (send back) all the emigrants from Albania. Over 700,000 Albanians must be sent back...Only those loyal citizens of Serbia will stay here." 1101/

3. Pljevlja

689. Six of Šešelj's followers were arrested for alleged involvement in acts of terrorism in the predominantly Muslim town of Pljevlja on 6 and 7 August 1992. The group was also charged with violent behaviour, interference with the work of the police, and aiding in the escape of arrested persons for incidents occurring on 8 and 9 August 1992. 1102/

4. Sandžak

690. Sandžak, the border area between Serbia and BiH, which is largely dominated by Muslims, was the locale for a wave of arson, kidnapping, and killing by Serb forces against the Muslim population. Allegedly, these acts were committed to distance Serbian Muslims from their ties with Bosnian Muslims. In March of 1993, 18 Muslims from Serbia and Montenegro were abducted from a train and remain missing. Other Muslims have been kidnapped from hospitals and villages. Beatings of civilians and the looting and burning of homes occurred in indeterminate numbers. A total of 9,500 people have fled from Sandžak and other Muslim districts in Serbia and Montenegro. Muslim party leaders charge that the attacks are another example of Serbian "ethnic cleansing", noting that Šešelj himself had previously called for the "cleansing" of Muslims from the Sandžak region. 1103/

5. Vojvodina

691. In the Vojvodina city of Sombor in late December 1991 and early January 1992, explosives damaged a Croatian church, two Croatian restaurants, and the home of a prominent Croatian political leader. Arkan announced these bombings on the local radio. The Croatians have been told that they must leave the city by a certain date or be killed. 1104/

692. In May 1992, Vojvodina Muslims and Croatians, as well as Hungarians, fled their homes in fear of Šešelj's men. Šešelj's forces were reportedly threatening the villagers of Vojvodina during June 1992. Witnesses claim that the men told the villagers that they would not leave Vojvodina alive because Šešelj's forces would kill them all. At night the forces were heard chanting, "Move out, Ustaše, today is your last day, we will slaughter all of you tomorrow". 1105/ The exact number of departures is unknown. Serbia denies that the refugees were forced out of their homes, saying that Croats

departed voluntarily after agreeing to swap their properties for those belonging to Serbs in Croatia. 1106/

693. On 29 September 1992, in the northern Vojvodina town of Subotica, the local SRS leader stated that the party would be forming a paramilitary group to "cleanse Subotica of all those who do not recognize Serbia and its political and territorial integrity". Šešelj was reportedly handing out arms to Serbian farmers in the region. 1107/

Notes

1/ For a more detailed historical discussion of the conflict in the former Yugoslavia, see Annex IV, and for a more detailed discussion of the military structure, see Annex III.

2/ Some of the reports received by IHRLI do not contain sufficient information to categorize all identified groups within these four categories. Therefore, further investigation is needed to separate these groups by some organizational or other criteria as well as to determine the internal and external chains of command.

3/ For the purpose of this report, county is used to refer to a region known as an "opština". An opština is larger than a municipality or town, and includes smaller villages and hamlets which surround the larger cities.

4/ This is a well-established definition for "Paramilitary" organizations or groups. See The Random House Dictionary of the English Language, The Unabridged Edition (1967).

5/ For a more detailed discussion of the military history and command structure of the armies of the former Yugoslavia, see Annex III, Military Structure.

6/ This was later known as "People's Total Defence".

7/ This figure counts the White Eagles as one group, even though there may be several separate groups operating under this name. For a more detailed discussion, see the section on White Eagles below.

8/ These numbers are estimates based on a review of the reports submitted to the Commission of Experts and have not been verified. Those same characteristics that make the use of organizations desirable, i.e., lack of uniforms and lack of an identifiable chain of command, also make it difficult to accurately state the number of paramilitary troops.

9/ United Nations Commission on Human Rights, Report on the Question of the Use of Mercenaries as a Means of Violating Human Rights and Impeding the Exercise of the Right of People to Self-determination, submitted by Mr. Enrique Bernales Ballesteros, Special Rapporteur, Pursuant to Commission Resolution 1993/5, U.N. Doc. E/CN.4/1994/23, at 25 (12 January 1994).

10/ In addition to the 72 counties, there were reports of paramilitary activity in eight villages (four in BiH and four in Croatia) in undetermined counties. For purposes of statistical analysis, these villages will be counted as counties.

11/ Paramilitary activity was reported in 45 counties in BiH, 21 counties in Croatia, and six in FRY.

12/ There were reports that Serbian paramilitary groups were operating in 39 counties in BiH, 22 in Croatia, and six in FRY. Croatian paramilitaries were reported to be operating in 11 counties in BiH and six in Croatia. There were reports that the groups supporting BiH were operating in 11 counties throughout BiH.

Notes (continued)

13/ Ten of the 14 groups working in support of BiH, eight of the 13 groups supporting Croatia, and 41 of the 56 Serbian paramilitary forces were reported to have operated locally.

14/ Paramilitary units working in support of BiH were reported to be conducting joint operations in five counties, those supporting Croatia in six counties, and those supporting FRY or the self-declared Serbian republics in 36 counties.

15/ Arkan's troops were reported in 28 counties and Šešelj's troops were reported in 34.

16/ Allegedly 55 paramilitary groups killed civilians, 26 allegedly destroyed property, 25 looted, 14 tortured, and 10 forcibly evicted.

17/ Of the 72 counties where paramilitary activity was reported, rape and sexual assault were reported in 32, prison camps in 46, and mass graves in 24. See Annex IX, Rape and Sexual Assault; Annex X, Mass Graves; Annex VIII, Prison Camps.

18/ In fact, until August of 1992 the most notorious Croatian paramilitary, the HOS, and the regular Croatian Army often had conflicting military objectives.

19/ David C. Isby, "Yugoslavia 1991--Armed Forces in Conflict", Jane's Intelligence Review, September 1991, at 402.

20/ See UN Commission on Human Rights, Report on the Question of the Use of Mercenaries as a Means of Violating Human Rights and Impeding the Exercise of a Right of Peoples to Self-determination, submitted by Mr. Enrique Bernales Ballesteros, Special Rapporteur, pursuant to Commission resolution 1993/5, U.N. Doc. E/CN.4/1994/23 (12 January 1994).

21/ Juka's Army, led by Jusuf (Juka) Prazina, began its operations in support of BiH by defending the city of Sarajevo. However, it is reported that Juka's frustration with the political and military leaders within BiH Government forced him to switch alliances and fight against the BiH forces with the HVO.

22/ These forces are most commonly referred to as the Tigers, however, they have also known as the Serbian Volunteer Guard, Arkanovci, or generically as Arkan's Forces.

23/ Šešelj's forces are sometimes referred to as "Četniks" or "White Eagles". However, these names are also used by other groups or generically, referring to any Serbian Soldier. These forces are also called Šešeljovci or Šešelj's Forces.

24/ These counties are: Bihać, Bijeljina, Brčko, Donji Vakuf, Goražde, Gradačac, Ključ, Konjic, Livno, Odžak, Prijedor, Sarajevo, Srebrenica, Tuzla, Visoko, Vogošća, Zenica, and Zvornik.

Notes (continued)

25/ See Federal Republic of Yugoslavia, Report Submitted from Charge d'Affairs to the United Nations Secretary-General, 6 November 1992, IHRLI Doc. No. 48294; Federal Republic of Yugoslavia, Report Submitted by Professor Biljana Plavšić to the United Nations Secretary-General and Various State Embassies, 29 September 1992, IHRLI Doc. No. 5459; "Serbs Request Yugoslav Military Intervention as Fighting Worsens", BBC Summary of World Broadcasts, 12 November 1992; "Situation in Gorazde in Brief", BBC Summary of World Broadcasts, 17 August 1992; "Extent of Croatian Army Activity in Herzegovina Detailed in Serbian Report", BBC, 27 July 1992.

26/ See Federal Republic of Yugoslavia, Information on the Aggression of the Republic of Croatia, 27 November 1992, IHRLI Doc. No. 3132; "Security Reports in Brief", BBC, 23 October 1992; "Other Reports in Brief", BBC, Summary of World Broadcasts, 14 September 1992.

27/ One report did indicate that at least 800 Green Berets from Hrasnica, along with the Croatian Defence Council allegedly attacked Bradina. Federal Republic of Yugoslavia, Report Submitted by Professor Biljana Plavšić to the United Nations Secretary-General and Various State Embassies, 29 September 1992, IHRLI Doc. No. 5459.

28/ One report alleged that the Green Berets were using 82 and 120 mm mortars in an attack on Serbian positions in Sarajevo. "Fierce Battles Rage near Novi Grad, Bratunac; Air Raids Reported on Srebrenica", BBC, Summary of World Broadcasts, 13 January 1993. In a report on an ambush in Zvornik, the Green Berets allegedly used grenade launchers and bombs. "Other Reports in Brief; SRNA Reports Muslims Massacre 10 Civilians near Zvornik", BBC, Summary of World Broadcasts, 14 September 1992.

29/ "FRY Premier Panić in Turkey; Discussed Balkans, Bosnia", BBC, Summary of World Broadcasts, 15 August 1992.

30/ "Muslim and Croatian Fighting in Novi Travnik: New Croatian Offensive on Trebinje", BBC, Summary of World Broadcasts, 23 October 1992.

31/ For a more detailed discussion of the Green Berets activity, see the Geographical Analysis section below.

32/ "Humanitarian Aid Convoy Bound for Goražde Forced to Return to Sarajevo", BBC, Summary of World Broadcasts, 27 July 1992.

33/ "Fierce Fighting on the Main Bosnia and Herzegovina Fronts as UN Supervises Artillery", BBC, Summary of World Broadcasts, 14 September 1992.

34/ "Serbs Request Yugoslav Military Intervention in Herzegovina as Fighting Worsens", BBC, Summary of World Broadcasts, 12 November 1992.

35/ See "Muslim and Croatian Fighting in Novi Travnik: New Croatian Offensive on Trebinje", BBC, Summary of World Broadcasts, 23 October 1992; "Other Reports in Brief: Charges Brought against Muslim 'Terrorists' in Banja Luka", BBC, Summary of World Broadcasts, 3 November 1992.

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36/ See an official source, IHRLI Doc. No. 5863 and No. 5867; Serbian Council Information Centre, *Rape and Sexual Abuse of Serb Women, Men and Children in Areas Controlled by Croatian and Moslem Armed Formations in Bosnia and Herzegovina and Croatia, 1991-1993*, 15 January 1993, IHRLI Doc. No. 46196; Federal Republic of Yugoslavia, *Information on the Aggression of Croatia*, 27 November 1992, IHRLI Doc. No. 3140-3174; Unidentified Written Statement, IHRLI Doc. No. 18656.

37/ One report describes the arrest of a man in Visoko who was beaten by "policemen" for four hours and then kept on a stretcher for three days without food or water. An official source, IHRLI Doc. No. 5863.

38/ See Federal Republic of Yugoslavia, *Second Report Submitted Pursuant to UN Security Council Resolution 780 (1992)*, 2 July 1993, IHRLI Doc. No. 28401-29019, at 28463 and 28548; Serbian Council Information Centre, *Rape and Sexual Abuse of Serb Women, Men and Children in Areas Controlled by Croatian and Moslem Armed Formations in Bosnia and Herzegovina and Croatia, 1991-1992*, 15 January 1993.

39/ Serbian Council Information Centre, *Rape and Sexual Abuse of Serb Women, Men and Children in Areas Controlled by Croatian and Moslem Armed Formations in Bosnia and Herzegovina and Croatia, 1991-1992*, 15 January 1993.

40/ Federal Republic of Yugoslavia, "Second Report Submitted Pursuant to UN Security Council Resolution 780 (1992)", 2 July 1993, IHRLI Doc. No. 28401-29019, at 28548.

41/ Id.

42/ International Committee of the Red Cross, *Memo from Team B3 in Belgrade to ECMM*, 18 March 1993, IHRLI Doc. No. 19151; Federal Republic of Yugoslavia, *Information on the Aggression of the Republic of Croatia*, 27 November 1992, IHRLI Doc. No. 3140-3147; Information Centre of the Democratic League of Kosova, *Muslim Forces Massacre Serbs in Eastern Bosnia-Herzegovina, Victims Identified*, 8 October 1992, IHRLI Doc. No. 48032; Federal Republic of Yugoslavia, *Report Submitted by Professor Biljana Plavšić to the U.N. Secretary-General and Various State Embassies*, 29 September 1992, IHRLI Doc. No. 5459; "Information from Command of the Herzegovina Corps in Bileca", *Večernje Novosti*, 22 September 1992, IHRLI Doc. No. 48001.

43/ The villagers involved are reported to have come from Pazarić, Osenik, Luka, Tarčin, Japaluci, Budmolići, Gornja Bioča, Duranovići, Trzanj, and Vukovići. See Federal Republic of Yugoslavia, *Report Submitted by Professor Biljana Plavšić to the U.N. Secretary-General and Various State Embassies*, 29 September 1992, IHRLI Doc. No. 5459; Federal Republic of Yugoslavia, *Information on the Aggression of the Republic of Croatia*, 27 November 1992, IHRLI Doc. No. 3140-3147.

44/ See Federal Republic of Yugoslavia, *Report Submitted by Professor Biljana Plavšić to the U.N. Secretary-General and Various State Embassies*, 29 September 1992, IHRLI Doc. No. 5459; Federal Republic of Yugoslavia, *Information on the Aggression of the Republic of Croatia*, 27 November 1992, IHRLI Doc. No. 3140-3147.

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45/ Green Berets entered the camp in the village of Vitkovci to kill Serb prisoners. Federal Republic of Yugoslavia, Report Submitted by the Charge d' Affairs to the UN Secretary-General, 6 November 1992, IHRLI Doc. No. 48286. They were also present in the Čelebići Camp in Konjic which was under the command of the HOS. Id. Reportedly they killed and beat prisoners at Viktor Bubanj in Sarajevo. Federal Republic of Yugoslavia, Information on the Aggression of the Republic of Croatia, 27 November 1992, IHRLI Doc. No. 3140-3147, at 3147.

46/ Tom Post & Joel Brand, "Help from the Holy Warriors", Newsweek, 5 October 1992, at 52.

47/ Christopher Lockwood, "Muslim Nations Offer Troops", Daily Telegraph, 14 July 1993, at 14. According to Lockwood, Muslim nations depended on Western logistical support to deliver troops to BiH. He concludes that the same logistical troubles which kept the Muslim troops promised in July of 1993 from joining UN forces in the UN declared "safe havens" also limited the number of Muslim volunteers in the BiH armed forces. He states that the number of Mujahedin in BiH never exceeded three or four hundred. See also Mohamed Sid-Ahmad, "Muslim World Between Two Fires", War Report, January 1993, IHRLI Doc. No. 63744. However, the Belgrade Daily, Večernje Novosti, reported that as many as 30,000 Mujahedin were operating in BiH. "Other Reports in Brief: Muslims from Abroad Settling in Bosnia and Herzegovina, Belgrade Daily Claims", BBC, Summary of World Broadcasts, 19 September 1992.

48/ Andrew Hogg, "Arabs Join in Bosnia Battle", Sunday Times, 30 August 1992.

49/ "Some 400 Mujahedin Volunteers are Fighting with Bosnian Muslims", Agence France Presse, 22 September 1992.

50/ Andrew Hogg, "Terror Trail of the Mujahedin", Sunday Times, 27 June, 1993.

51/ The leader of the Mujahedin in BiH, an Arab by the name of Abdul Aziz, has said, "In Bosnia we have two duties, the first is jihad and the second is dawa, which means to teach correct Islam". Id.

52/ Frank Viviano, "Bosnian Croats Praying at Alter of Vengeance: Anti-Muslim Feeling Grows Among Catholics", The San Francisco Chronicle, 17 August 1993, at p. A10; Robert Adams, "Bosnia and Herzegovina: The Price of Betrayal", Inter Press Service, 15 July 1993.

53/ These counties are Bihać, Foča, Konjic, Mostar, Teslić, Travnik, and Zenica.

54/ See "Some 400 Mujahedin Volunteers Fighting with Bosnian Muslims", Agence France Presse, 22 September 1992; Andrew Hogg, "Arabs Join in Bosnia Battle", Sunday Times, 30 August 1992; see also Charles McLoed, ECMM, "Report on Inter-Ethnic Violence in Vitez, Busovača and Zenica", April 1993, IHRLI Doc. No. 20178-20546, at 20207; Croatian Information Centre, Weekly Bulletin, No. 9, 4 October 1993, IHRLI Doc. No. 36434-36438, at 36435; US Department of State, 1993, IHRLI Doc. No. 62612-62877, at 62648, 62724, 62730, and 62756.

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55/ US Department of State, 1993, IHRLI Doc. No. 62612-62877, at 62648; see also Croatian Information Centre, Weekly Bulletin, No. 9, 4 October 1993, IHRLI Doc. No. 36434-36438, at 36435; "Continuing Clashes in Northwestern Enclave Reported from Both Sides", BBC, Summary of World Broadcasts, 14 December 1993.

56/ Charles McLoed, ECMM, Report on Inter-Ethnic Violence in Vitez, Busovača and Zenica, April 1993, IHRLI Doc. No. 20178-20546, at 20207; Croatian Information Centre, Weekly Bulletin, No. 9, 4 October 1993, IHRLI Doc. No. 36434-36438, at 36435; US Department of State, 1993, IHRLI Doc. No. 62612-62877, at 62648, 62724, 62730, and 62756.

57/ Andrew Hogg, "Arabs Join Bosnia Battle", Sunday Times, 30 August 1992.

58/ "Continuing Clashes in Northwestern Enclave Reported form Both Sides", BBC, Summary of World Broadcasts, 14 December 1993.

59/ Andrew Hogg, "Terror Trail of the Mujahedin", Sunday Times, 27 June 1993.

60/ For a more detailed discussion of the activity of the Mujahedin, see the Geographical analysis section below.

61/ Charles McLeod, ECMM, Report on Inter-Ethnic Violence in Vitez, Buscovaća and Zenica, April 1993, IHRLI Doc. No. 29043-29131, at 29064; Biljaja Plavšic, Republic of Serbia Presidency, To Serbs All Over the World, 30 September 1992, IHRLI Doc. No. 48072-48093, at 48081.

62/ Id.; US Department of State, 1993, IHRLI Doc. No. 62612-62877, at 62629; see also Charles McLeod, ECMM, Report on Inter-Ethnic Violence in Vitez, Busovača and Zenica, April 1993, IHRLI Doc. No. 29043-29131, at 29072 (attack on Vitez).

63/ US Department of State, 1993, IHRLI Doc. No. 62612-62877, at 62650. Media reports however claim that Croats left Travnik voluntarily. The incident was investigated by an organization, which reported that the forceful eviction did not take place.

64/ Id. at IHRLI Doc. No. 62724.

65/ Id. at IHRLI Doc. No. 62616, 62620, and 62715.

66/ Id. at IHRLI Doc. No. 62730.

67/ Id. at IHRLI Doc. No. 62720.

68/ Croatian Information Centre, Weekly Bulletin, No. 1, 9 August 1993, IHRLI Doc. No. 32774-32782, at 32780. The incident was investigated by an organization, which reported that it did not take place.

69/ US Department of State, 1993, IHRLI Doc. No. 62612-62877, at 62756.

70/ Id. at IHRLI Doc. No. 62614.

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71/ Id. at IHRLI Doc. No. 62752 and 62756. The village of Vrci was attacked on 25 May, and the village of Radešine was attacked on 10 June. See also Tadeusz Mazowiecki, Fifth Periodic Report on the Situation of Human Rights in the Territory of the Former Yugoslavia, U.N. Doc. E/CN.4/1994/47, 17 November 1993, IHRLI Doc. No. 52399-52435, at 52405 (alleging that the Mujahedin were involved in attacks at Kopjari on 21 October, Doljani on 27 and 28 June, and Maljane on 8 June). UN Special Rapporteur Mazowiecki claims that corpses of Mujahedin victims displayed evidence of protracted cruelty and mutilation.

72/ Id. at 62648 and 62756; Croatian Information Centre, Weekly Bulletin, No. 9, 4 October 1993, IHRLI Doc. No. 36434-36438, at 36435.

73/ US Department of State, 1993, IHRLI Doc. No. 62612-62877, at 62742 and 62677. For more details on the location of the Neretva living quarters, see Id. at 62739.

74/ Federal Republic of Yugoslavia, Second Report Submitted to the Commission of Experts, 1993, IHRLI Doc. No. 28401-29019, at 28533.

75/ US Department of State, 1993, IHRLI Doc. No. 62612-62877, at 62648; Croatian Information Centre, Weekly Bulletin, No. 9, 4 October 1993, IHRLI Doc. No. 36434-36438, at 36435.

76/ Letter dated 7 December 1992 from the Deputy Representative of the US to U.N. Secretary-General, U.N. Doc. S/24918, 8 December 1992, IHRLI Doc. No. 3160-3177, at 3173; Federal Republic of Yugoslavia, Second Report Submitted to the Commission of Experts, 1993, IHRLI Doc. No. 28401-29019, at 28566.

77/ Milan Vego, "The Croatian Defence Forces of Bosnia and Herzegovina", Jane's Intelligence Review, March 1993, IHRLI Doc. No. 26349A1-A63.

78/ Id. at IHRLI Doc. No. 26349A8.

79/ Serbian Republic Presidency, To Serbs All Over the World, IHRLI Doc. No. 48122-127, at 48124. But see Ian Katz and Maggie O'Kane, "Real Lives: In for the Kill", The Guardian, 4 February 1994 (describing members of the HOS wearing "black boiler suits").

80/ Serbian Republic Presidency, To Serbs All Over the World, IHRLI Doc. No. 48122-48127, at 48124.

81/ Milan Vego, "The Croatian Defence Forces of Bosnia and Herzegovina", Jane's Intelligence Review, March 1993, IHRLI Doc. No. 26349A1-26349A63, at 26349A9.

82/ Ian Katz and Maggie O'Kane, "Real Lives: In for the Kill", The Guardian, 4 February 1994.

83/ "Tanjug: Slovene Journal Reports Croatian Paramilitaries Trained in Slovenia", BBC Summary of World Broadcasts, 13 September 1993 (quoting the Slovene periodical Mladina).

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84/ Serbian Republic Presidency, To Serbs All Over the World, IHRLI Doc. No. 48122-127, at 48124.

85/ "Croat Rightist Leader Acquitted of Treason", Reuter Library Report, 5 November 1993, available in LEXIS, News Library, Curnws File.

86/ For a more detailed discussion of HOS paramilitary activity, see the Geographical Analysis section below.

87/ Letter dated September 22, 1992, from the Deputy Permanent Representative of the United States of America to the United Nations addressed to the Secretary General, U.N. Doc. S/24583 (23 September 1992), IHRLI Doc. No. 87-96, at 93.

88/ Letter from the Minister of Foreign Affairs of the Serbian Representative to the Commission of Experts Established Pursuant to Security Council Resolution 780 (1 December 1992), IHRLI Doc. No. 11521-11643, at 11540.

89/ Charles McLeod, ECMM, Report on Inter-Ethnic Violence in Vitez, Busovača and Zenica (April 1993), IHRLI Doc. No. 20128-20266, at 20226.

90/ Federal Republic of Yugoslavia, Second Report Submitted to the Commission of Experts (1993), IHRLI Doc. No. 28401-29019, at 28682.

91/ Serbian Republic Presidency, To Serbs All Over the World, IHRLI Doc. No. 48122-48127, at 48124 (explaining that the HOS ran Dretelj from early August 1992, until the HVO assumed control on 21 September).

92/ Federal Republic of Yugoslavia, Second Report Submitted to the Commission of Experts (1993), IHRLI Doc. No. 28401-29019, at 28567.

93/ Id. at IHRLI Doc. No. 28679.

94/ Id. at IHRLI Doc. No. 28777-28788 and 28792.

95/ Serbian Republic Presidency, To Serbs All Over the World, IHRLI Doc. No. 48122-48127, at 48278.

96/ Federal Republic of Yugoslavia, Second Report Submitted to the Commission of Experts (1993), IHRLI Doc. No. 28401-29019, at 28592.

97/ Id. at IHRLI Doc. No. 28465. See also Letter Dated 6 November 1992, From the Charge D'Affaires A.I. of the Permanent Mission of Yugoslavia to the U.N. Addressed to the Secretary General, U.N. Doc. S/24779, (9 November 1992), IHRLI Doc. No. 48265-48301, at 48279 (stating that several murders attributed to the HOS occurred in villages on 7 June 1992, and not in detention facilities).

98/ Federal Republic of Yugoslavia, Second Report Submitted to the Commission of Experts (1993), IHRLI Doc. No. 28401-29019, at 28679. On 10 June, 1992, Mirsad Repak, Mile Vego and one other HOS member allegedly looted an apartment and sent the victim to Dretelj detention facility. Id.

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99/ Id. at IHRLI Doc. No. 28602-28603 (listing burned villages in Herzegovina).

100/ Id. at IHRLI Doc. No. 28614-28619, 48296-48297, 48301.

101/ Terrence Sheridan, "Sarajevo's Song of the Wolves", The Plain Dealer, 9 February 1994, at 7B.

102/ Alfonso Rojo, "Sarajevo's Godfather Turns Crimebuster", The Guardian,3 June 1992, at 10-11.

103/ Patrick Bishop, The Daily Telegraph, 19 February 1994, at 38.

104/ Terrence Sheridan, "Sarajevo's Song of the Wolves", The Plain Dealer, 9 February 1994, at 7B.

105/ Letter from the Minister of Foreign Affairs of the Serbian Republic to the Commission of Experts established pursuant to Security Council Resolution 780, 1 December 1992, IHRLI Doc. No. 11542.

106/ Patrick Bishop, The Daily Telegraph, 19 February 1994, at 38.

107/ "Crackdown on Bosnian Underworld", Agence France Presse, 9 November 1992.

108/ Roger Boyes, "Shadowy Irregulars Keep Alive City's Hopes", The Times, 28 August 1992.

109/ John Fullerton, "Sarajevo's 'Robin Hood' in Military Power Struggle", Reuters Library Report, 21 September 1992.

110/ Patrick Bishop, The Daily Telegraph, 19 February 1994, at 38.

111/ "Bosnian Troops Said Poised to Break Sarajevo Siege", Agence France Presse, 1 December 1992.

112/ "Tanjug Reports Bosnian Army Issues Warrant for Arrest of Former Commander", BBC Summary of World Broadcasts, 26 January 1993, at C1.

113/ "Bosnian Troops Said Poised to Break Sarajevo Siege", Agence France Presse, 1 December 1992.

114/ Patrick Bishop, The Daily Telegraph, 19 February 1994, at 38.

115/ For a more detailed discussion of Juka's paramilitary activities, see the Geographical Analysis section below.

116/ Terrence Sheridan, "Sarajevo's Song of the Wolves", The Plain Dealer, 9 February 1994, at 7B.

117/ Federal Republic of Yugoslavia, Second Report Submitted to the Commission of Experts (2 July 1993), at Annex IV, "A New Genocide Against Serbs in Konjic Area", IHRLI Doc. No. 28653.

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118/ Blaine Harden, "Juka's Wolves Prowl Sarajevo Streets for Serbs, Untended Merchandise", Washington Post, 18 September 1992, at A29.

119/ Letter from the Minister of Foreign Affairs of the Serbian Republic to the Commission of Experts established pursuant to Security Council Resolution 780, 1 December 1992, IHRLI Doc. No. 11541 and 11550.

120/ Patrick Bishop, The Daily Telegraph, 19 February 1994, at 38.

121/ Andrew Hogg, "Robin Hood Hero Turns Enemy in Hell of Siege City", Sunday Times, 16 May 1993.

122/ Id.

123/ An official source, IHRLI Doc. No. 29760.

124/ Patrick Bishop, The Daily Telegraph, 19 February 1994, at 38.

125/ The term "counties" includes Hrtkovci, Kosovo, Pljevlja, Sandžak and Vojvodina in FRY.

126/ Although there have been no military operations between the warring factions in FRY, both Šešelj's and Arkan's troops allegedly harassed the non-Serb populations in some regions of FRY.

127/ Šešelj was reported to have operated in the BiH counties of: Banja Luka, Bosanski Šamac, Bratunac, Brčko, Derventa, Foča, Gacko, Kalinovik, Kupres, Maglaj, Modriča, Mostar, Nevesinje, Odžak, Pale, Prijedor, Rogatica, Sarajevo, Tuzla, Višegrad, and Zvornik.

Arkan was reported to have conducted operations in the BiH counties of: Banja Luka, Bijeljina, Bosanska Rača (county unknown), Bosanski Šamac, Bratunac, Brčko, Doboj, Foča, Konjic, Mostar, Odžak, Pale, Prijedor, Rogatica, Sarajevo, Srebrenica, Teslić, Veljina (county unknown), Višegrad, and Zvornik.

128/ "Četniks Reportedly Ambush Two Police Patrols", Zagreb Domestic Service, 2 April 1991.

129/ Davis C,. Isby, "Yugoslavia 1991 - Forces In Conflict", 3 Jane's Intelligence Review 394 (1991).

130/ See Der Spiegel, 5 August 1991, at 124-126, trans. in FBIS, Daily Report (Eastern Europe), 5 August 1991, at 51-52 (interview with Šešelj).

131/ Salih Zvizdić, "Arkan's Life, Crimes, Prison Release Viewed", Vjesnik, 12 April 1992.

132/ Id.

133/ Šćepan Vuković, "Arkan Interviewed on Life War Arrest", Pobjeda, 13 January 1992.

134/ European Community Monitoring Mission, Information Section Briefing -Arkan, File 1002, IHRLI Doc. No. 25141-25142.

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135/ Id.

136/ Id.

137/ Internal Commission of Experts' Memo to Chairman Cherif Bassiouni from Anton Kempenaars Assistant to the Commission, 7 December 1993.

138/ See Der Spiegel, 5 August 1991, at 124-126, trans. in FBIS, Daily Report (Eastern Europe), 5 August 1991, at 51-52 (interview with Vojislav Šešelj).

139/ See section on Vojislav Šešelj below for a more detailed discussion.

140/ Chuck Sudetic, "A Shady Militia Chief Arouses Serbs", New York Times, 20 December 1992, at § 1 at 12. Arkan also testified in his 1986 trial for assaulting a man in an elevator that he worked "for the Federal Interior Ministry in the Division of Foreign Emigres." Id.

141/ Chuck Sudetic, "Rival Serbs are Admitting Bosnia-Croatia Atrocities", New York Times, 13 November 1993, at 6. Šešelj also alleges that the security service of the Yugoslav Army's main headquarters had received orders from government officials to attribute all misdeeds of Arkan's forces to SRS volunteers. "Šešelj Accuses Socialists of Putting Blame for War Crimes on His Party", BBC, 30 October 1993.

142/ Jonathan S. Linday, "Belgrade Regime Tied to Alleged War Crimes", The Christian Science Monitor, 26 November 1993, at 6.

143/ Salih Zvizdić, "Arkan's Life, Crimes, Prison Release Viewed", Vjesnik, 12 April 1992.

144/ George Rodrigue, "Serbs Systematic in Ridding Region of Muslims, Many Say: Bosnia Corridor Considered Crucial to 'Republic'", The Dallas Morning News, 27 December 1992.

145/ C.D. Popović, "Željko Ražnjatović Arkan Denies Rumors about his Leaving the Front in the Republic Serbian Krajina", Novosti, 23 February 1993.

146/ Id.

147/ Carol J. Williams, "A People Poisoned by Chaos: In What Remains of Yugoslavia, a Sense of Injustice is Pervasive and Violent Crime is Skyrocketing", Los Angeles Times, 27 March 1993, at A1.

148/ See the discussion of Šešelj's personal history below for a more detailed account of his political activities.

149/ Blaine Hardin, "Old Worlds, New Maps; Myth and Memory in Yugoslavia: A House Divided Risks Civil War", Washington Post, 23 June 1991, at B1; Michael Montgomery, "Ethnic Discord: World War II Lives on for Militant Serb Chetniks: the Disenchanted are Breathing New Life into an old Movement in Strife-Torn Yugoslavia", Los Angeles Times, 9 July 1991, at 1.

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150/ See the section on the personal history of Arkan for a more detailed discussion of his political career.

151/ See John Kifner, "An Outlaw in the Balkans is Basking in the Spotlight", New York Times, 23 November 1993; "Nationalist Leads Serb Campaign", Chicago Tribune, 19 December 1993, at 14; Miloš Vanić, "The December Vote: Slobodan and Arkan's Flying Circus", War Report, December 1993.

152/ Blaine Harden, "Serbs Accused of '91 Croatian Massacre: U.S. Doctors Believe 200 Wounded Men Were Taken from Hospital and Shot", The Washington Post, 26 January 1993.

153/ UNPROFOR Local Press Summary--Belgrade, 29 September 1993, IHRLI Doc. No. 42678-42681 at 42680.

154/ Chuck Sudetic, "Rival Serbs are Admitting Bosnia-Croatia Atrocities", The New York Times, 13 November 1993, at 6.

155/ Id.

156/ For a more detailed discussion of the alleged activities of Šešelj's and Arkan's forces, see the Geographical Analysis section of Part I of this report.

157/ Arkan reportedly led the attacks on Bijeljina, Brčko, and Zvornik despite the presence of the JNA and other Serb forces.

158/ Arkan has stated that his troops were under the command of the JNA in the Vukovar operation.

159/ In the Vukovar village of Jagodnjak in April 1991, a speech by Šešelj prompted the local Croatian authorities to issue a warrant for his arrest for provoking and fomenting national hatred and intolerance between Croatians and Serbs. Seventeen days later the Serbs launched an attack in the area.

160/ In Zvornik, Arkan was an active participant in the negotiations for a peaceful surrender of the village. However, he led the military operations to seize control of the village after becoming dissatisfied with these negotiations.

161/ Killing of civilians by Šešelj's and Arkan's troops was reported in the following counties: Banja Luka, Bijeljina, Bosanski Šamac, Bratunac, Brčko (allegedly 3,000), Derventa, Dragovci, Foča, Gacko, Kupres, Maglaj, Prijedor, Rogatica, Sarajevo, Srebrenica, Višegrad, and Zvornik in BiH and Beli Manastir, Petrinja, Podravska Slatina, Škabrnje, and Vukovar in Croatia.

162/ In Sarajevo, for example, Šešelj's forces ran the Sonja Cafe and Hotel in which Muslim women were raped, and some subsequently killed, by Serb soldiers. There were also allegations of rape in the following counties: Banja Luka, Bijeljina, Bosanski Šamac, Bratunac, Brčko, Derventa, Doboj, Foča, Gacko, Konjic, Kupres, Mostar, Nevesinje, Odžak, Prijedor, Rogatica, Srebrenica, Teslić, Tuzla, Višegrad, and Zvornik in BiH and Benkovac, Knin,

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Osijek, and Vukovar in Croatia.

163/ Looting was reported in the following counties: Banja Luka, Bratunac, Brčko, Rogatica, Srebrenica, Teslić, and Zvornik in BiH and Vukovar in Croatia.

164/ The destruction or burning of homes belonging to non-Serbs was reported in the following counties: Banja Luka, Dragovci, Doboj, Gacko, Maglaj, Prijedor, Rogatica, Teslić, and Zvornik in BiH and Vukovar in Croatia. Šešelj's and Arkan's forces also targeted cultural and religious property. In Banja Luka, for example, two historic mosques were destroyed after Šešelj, reportedly said, "Is it possible that they are still standing?"

165/ Prison camps were reported in the following counties in which Seselj and Arkan were operating: Banja Luka, Bijeljina, Bosanski Šamac, Bratunac, Brčko, Derventa, Doboj, Dragovci, Foča, Gacko, Kalinovik, Konjic, Maglaj, Modriča, Mostar, Nevesinje, Odžak, Pale, Prijedor, Rogatica, Sanski Most, Sarajevo, Srebrenica, Teslić, Tuzla, Višegrad, and Zvornik in BiH and Beli Manastir, Knin, and Vukovar in Croatia.

166/ In Zvornik, for example, at a meeting held in April 1992, Šešelj read names from a list of local Muslim intellectuals to an audience comprised of local Serbs and members of the Arkanovci, Šešeljovci, and White Eagles. Those on the list were to be killed.

167/ In Brčko, for example, it was reported that after the initial occupation by Arkan's and Šešelj's forces, a new group would be in charge every two weeks.

168/ In Zvornik, a conflict arose between Arkan and a local paramilitary leader when Arkan remained in control of the town for too long. Although control was eventually given to the local leader, at least one of Arkan's men, Major Vojkan Djurković, remained in a key position as head of the "population exchange commission". In the Krajina region, Arkan's continued involvement in local politics prompted the commander of the HQ of the Army of the Republic of Serbian Krajina, Mile Novaković, to issue an order for the withdrawal of Arkan's troops from the region.

169/ Carol J. Williams, "Balkans' Graveyard of Hatred; There's been a Spate of War-Victim Remembrances in Yugoslavia's 'Bible Belt': Some Fear that Old Wounds are Being Reopened", Los Angeles Times, 17 August 1991, at A1. There have been media reports, however, that allege that Šešelj is a Slovene and reports that he is of Croatian origin. Slavoljub Ščekić, "Who Is the Serb of Croatian Origin?" Pobieda, 21 March 1993.

170/ David Begoun, "Potential Presidential Challenger Serbia's Fastest-Rising Nationalist Leader", The San Francisco Chronicle, 7 June 1993, at A12. According to a classmate, Šešelj would beat up fellow students he thought were too nationalistic or insufficiently Marxist. Blaine Harden, "Serbia's Treacherous Gang of Three", The Washington Post, 7 February 1993, at C1.

171/ David Begoun, "Potential Presidential Challenger Serbia's Fastest-Rising Nationalist Leader", The San Francisco Chronicle, 7 June 1993, at A12.

172/ Id.

Notes (continued)

173/ Bradley Graham, "Yugoslavia Draws Unwanted Attention with Trial of 6 Dissidents", The Washington Post, 11 December 1984, at A21.

174/ Eric Bourne, "Yugoslavia Shaken by Recent Political Trial", The Christian Science Monitor, 7 August 1984, at 9; "Yugoslav Court Convicts a University Lecturer", The New York Times, 10 July 1984, at A5. The unpublished paper also proposed that the six Yugoslav republics and two autonomous provinces be consolidated into four republics. Bradley Graham, "Yugoslavia Draws Unwanted Attention with Trial of 6 Dissidents", The Washington Post, 11 December 1984, at A21.

175/ Eric Bourne, "Yugoslavia Shaken by Recent Political Trial", The Christian Science Monitor, 7 August 1984, at 9; Bradley Graham, "Yugoslavia Draws Unwanted Attention with Trial of 6 Dissidents", The Washington Post, 11 December 1984; "Yugoslav Court Convicts A University Lecturer", The New York Times, 10 July 1984, at A5.

176/ Blaine Harden, "Serbia's Treacherous Gang of Three", The Washington Post, 7 February 1993, at C1. Šešelj went on a 46 day hunger strike in protest over his being tortured. Adrian W. DeWind, "Yugoslav Repression", The Washington Post, 16 July 1984, at A23; James M. Markam, "Despite Trial, Talk is Lively in Yugoslavia", The New York Times, 13 February 1985, at A11.

177/ Blaine Harden, "Serbia's Treacherous Gang of Three", The Washington Post, 7 February 1993, at C1. One Belgrade academic colleague said, "When he came out of prison, he was disturbed, totally lost and out of his mind". Id.

178/ Id.

179/ Id.

180/ "Serbian Alternative Parties Meet", Tanjug, 9 March 1990. At the March meeting of the alternative parties, Šešelj stated his party's position that a state of war be declared in Kosovo, a military administration be established, and that people be moved to a 50 kilometre zone along the Albania border for Army control. Id. These positions were agreed upon by the other parties in attendance. Id.

181/ "Split in Serbian National Renaissance Cited", Tanjug, 14 March 1990. Vuk Drašković was the leader of the party which he said would fight "for an order that will rid the Serbian people of communists, papists and other shackles". Id. The Serbian Renaissance movement founded the paramilitary unit the White Eagles. European Community Monitoring Mission, Memo Regarding "White Eagles", 1 July 1993, IHRLI Doc. No. 25126. A more comprehensive discussion of the White Eagles follows.

182/ Bojan Vesel[illegible]ović, "Crowds Demand Early Multiparty Serbian Elections", Ljubljana, [illegible] June 1990.

183/ Id. Loudly singing members of his party disrupted a demonstration being held by opposition parties trying to force early elections. Id. Security forces prevented Šešelj's followers from getting out of control but not before Šešelj sent his guards after Vuk Draškovic's bodyguard. Vojko Flegar, "The Serbs in the Cauldron", Ljubljana Delo, 14 June 1990.

Notes (continued)

184/ "Serbian Radical Party Leader Calls for Calm", Belgrade Tanjug, 12 March 1991.

185/ Nenad Lj. Stefanović, "Claimant to Leadership", Vreme, 28 December 1992.

186/ Id.

187/ Id. "Šešelj himself was mainly described and perceived in personal terms as a grotesque figure and a disappointed man." Id.

188/ Michael Montegomery, "Ethnic Discord: World War II Lives on for Militant Serb Chetniks: the Disenchanted are Breathing New Life into an Old Movement in Strife-Torn Yugoslavia", Los Angeles Times, 9 July 1991, at 1; "Serbian Radical Party Leader Calls for Calm", Tanjug, 12 March 1991.

189/ Stana Ristic, "The Radicals Are on the Offensive", Politika, 22 April 1991.

190/ Momčilo Bošković, "Demonstrators Praise Volunteers in Borovo", Belgrade Domestic Service, 4 May 1991. One such demonstration took place on the steps of the Josip Broz Tito Memorial Centre in front of 3,000 to 4,000 participants protesting an altercation in Croatia that resulted in Serbian casualties. Šešelj was demanding that the remains of Tito be returned to Croatia. Id. Although frequently interrupted with chants of "We want arms, a Serbian army, and warlord, warlord we will kill Ustašas, and we will kill Tudjman", Šešelj addressed the crowd with the following:

> "The Serbian people [have] already passed a sentence on Tudjman. The blood of the Serbian people that was shed will not be unrevenged. The Serbian people of the heroic Serbian Krajina, heroic Serbian Slavonia, Serbian Baranja, and the Western Srem are resisting fierce attacks by Ustasha bandits. Therefore, Serbs and our sister Serbs, Serbs from this reduced Serbia and other Serbian lands are also fighting arm in arm with Serbs in Croatia."

Id.

191/ Michael Montgomery, "Ethnic Discord: World War II Lives on for Militant Serb Četniks: the Disenchanted are Breathing New Life into an old Movement in Strife-Torn Yugoslavia", Los Angeles Times, 9 July 1991, at 1; "Serbian Radical Party Leader Wins Assembly Seat", Tanjug, 17 June 1991.

192/ Blaine Harden, "Old Worlds, New Maps; Myth and Memory in Yugoslavia: A House Divided Risks Civil War", The Washington Post, 23 June, 1991, at B1; Michael Montgomery, "Ethnic Discord; World War II Lives on for Militant Serb Chetniks; the Disenchanted are Breathing New Life into an old Movement in Strife-Torn Yugoslavia", Los Angeles Times, 9 July 1991, at 1.

193/ Michael Montgomery, "Ethnic Discord; World War II Lives on for Militant Serb Chetniks; the Disenchanted are Breathing new Life into an old Movement in Strife-Torn Yugoslavia", Los Angeles Times, 9 July 1991, at 1. In an interview on 22 March 1992, Milošević, in response to a question about Šešelj, commented: "I respect Seselj because he is consistent in his political beliefs and because I believe that both he and his party are not

Notes (continued)

financially dependent on foreign sources". "Milošević Interviewed on Royal Family, Šešelj", Tanjug, 22 March 1992. Milošević has also referred to Šešelj as his "favorite opposition politician". Blaine Harden, "Serbia Seems unmoved by Western Warnings; Belgrade Presses Offensive in Bosnia", The Washington Post, 17 April 1992, at A25.

194/ Gwynne Dyer, "How will it End in Yugoslavia?" The Washington Times, 17 November 1991, at B4. In response to the possibility of United Nations or European intervention to end the war, Šesšlj stated:

> "If the West interferes, tens of thousands of Western soldiers will be killed. It will be total war, a war without mercy....We would poison their food, we would poison their water. There is no means we would not use against foreign intervention."

Id.

195/ "End Sanctions, Serb Authorities Say: They Cite Comments in U.N. Report", Star Tribune, 5 June 1992, at 2A. Vuk Drasković, a former ally of Šešelj's, led a campaign by his and other opposition parties boycotting the election and denouncing the results. Id. An attempt was made on Šešelj's life a few days before the election. Adam Sabotić, a Moslem, threw a bomb in the car waiting to take Šešelj from a political rally he was attending. "Muslim Alleged Responsible in Attack on Seselj", Tanjug, 26 May 1992. Šešelj was not injured, but 61 other people were. Id.

Less than two weeks after the election, on 11 June, taxi drivers in Belgrade tied up traffic around government buildings in protest over gas rationing. Michael T. Kaufman, "Effects of War Come Home to Belgrade", The New York Times, 14 June 1992, at 24. The protest became violent when Šešelj allegedly traded punches with one of the drivers. Id. During the scuffle, according to Belgrade police, a shot was fired by one of Šešelj's men. "Shooting Occurs at Belgrade Taxi Protest", Tanjug, 11 June 1992. There were no casualties. Id.

196/ Šešelj is not a typical opposition leader. Šešelj, discussing the SRS relation with Milošević's Serbian Democratic Party (SPS), stated before the election:

> "We are collaborating with the SPS, supporting its endeavors to change itself. As for reproaches that we are excessively inclined toward the SPS, I say we have not changed anything in our program, but perhaps others have inclined in our direction."

Nenad Lj. Stefanović, "Claimant to Leadership", Vreme, 28 December 1992.

Šešelj, however, often zealously supports Milošević. Šešelj was quoted as saying, "Milošević's opponents should be assured that if they try to overthrow him, we will shoot them". Jonathan S. Landay, "UN Sanctions Jolt Serbs into Resistance to Milošević Regime", The Christian Science Monitor, 15 June 1992, at 1. When student organizers were planning large demonstrations against Milošević, they received threats reportedly from Šešelj's men. "Sarajevo Radio Views FRY Political Scene", Sarajevo Radio Bosnia-Herzegovina Network, 23 June 1992. The students proceeded with the peaceful demonstration, at which Šešelj took out his gun and threatened to use it against them. "Students Demand Arrest of Radical Party Leader", Tanjug, 10

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June 1992.

197/ Nenad Lj. Stefanović, "Claimant to Leadership", Vreme, 20 December 1992. The election was held only days after United States Secretary of State Lawrence Eagleburger named Šešelj as a war criminal. Don Oberdorfer, "A Bloody Failure in the Balkans: Prompt Allied Action Might Have Averted Factional Warfare", The Washington Post, 8 February 1993, at A1. In an interview Šešelj called Eagleburger's attack the secret to his success and "a certificate of honor and patriotism". Id.

198/ Id. The surprisingly strong showing caused pollsters to say that they either made a mistake or that the results were fixed. Id. The gains were impressive as the SRS had not conducted a visible campaign and did not hold a single rally. Instead, Šešelj used all his free television exposure to praise Milošević. Id. SRS support came from those that agreed with the ideals of Milošević's party but were disappointed with the slow government pace in resolving the question of a united Serbia. Id.

199/ Jonathan S. Landay, "Vote puts Serbia on Road to Isolation and Hardship", The Christian Science Monitor, 24 December 1992, at 1; "Election Fair, Serb Panel Declares", Chicago Tribune, 25 December 1992, at 16.

200/ "Hard-line Serbs Vote to Oust Panic", St. Petersburg Times, 30 December 1992, at 13A; Christopher Spolar, "Nationalists Oust Yugoslav Premier: Serbian Radicals Strip Panic of Office in Overwhelming Vote of No Confidence", The Washington Post, 30 December 1992, at A14; Chuck Sudetic, "Yugoslav Premier Ousted by Foes 6 Months After Return from U.S.", The New York Times, 30 December 1992, at A1.

This was the second time Šešelj proposed a vote of no-confidence. The first was in September of 1992. Carol Williams, "Belgrade Ties Frayed on Panić Issue: Politics: Premier's Survival may Indicate Maneuvering to Undercut Serb Strongman Milošević", Los Angeles Times, 6 September 1992, at A5. The first attempt was in response to Panić suggesting acceptance of the pre-war republic borders as a condition of peace. Id. He accused Panić of taking "orders from some enemy Western powers". Id. Although this attempt fell short, Šešelj continued his attack on Panić. In response to Yugoslavia's expulsion from the United Nations later in September, Šešelj stated:

> "Milan Panić held talks with foreign ministers of the five permanent members of the Security Council and, according to all reports, all of them supported him, all of them paid him respect, all of them gave him promises, which means they support Panić as head of the Yugoslav government, but as a traitor to Yugoslavia who will conclude their business for them here in Belgrade."
>
> ". . . Prime Minister Panić is again working as in the past, he is violating the constitution and the positive legal regulations of this country, thus demonstrating that he cannot retain the position as head of the federal government."

"Draskovic, Seselj Comment on UN Decision", Belgrade RTB Television Network, 23 September 1992.

In a speech in parliament before the successful no-confidence vote, Šešelj called Panić a traitor and foreign agent guilty of embezzlement and

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acts against the Serbian people's interests. Chuck Sudetic, "Yugoslav Premier Ousted by Foes 6 Months after Return from U.S.", The New York Times, 30 December 1992, at A1. Šešelj also indicated that Panić would end up in jail. Id.

201/ Ray Moseley, "Serb Leader Crowding out his Operation", Chicago Tribune, 1 February 1993, at 1.

202/ David B. Ottaway, "Serbian Leadership Divided Over U.N.-Backed Plan for Bosnian", The Washington Post, 4 May 1993; "Bosnia Serbs Face Aid Cutoff: Yugoslavia, Serbia Angered by Rejection of Peace Plan", Star Tribune, 7 May 1993, at A1.

203/ "Bosnian Serbs Face Aid Cutoff: Yugoslavia, Serbia Angered by Rejection of Peace Plan", Star Tribune, 7 May 1993, at 1A.

204/ David Ottaway, "Serbian Leadership Divided Over U.N.-Backed Plan for Bosnian", The Washington Post, 4 May 1993, at A17. These remarks were not reported on the state-run television. Id.

205/ Linnet Myers, "Bickering Serbs Talk Peace as War Rages", Chicago Tribune, 15 May 1993, at 1.

206/ Id.

207/ John F. Burns, "Conflict in the Balkans; Nationalist Says Serbs' Rejection of Pact Means the End of Bosnia", The New York Times, 17 May 1993, at A1. The campaign against the plan was helped by the presence of Šešelj in Pale, the capital of the Serbian Republic of Bosnia-Herzegovina. John Pomfret, "Peace Plan Dead, Serb Leader Says; Karadzic Demand 3 States in Bosnia", The Washington Post, 17 May 1993, at A1.

208/ David Begoun, "Serbia Coalition Shows Signs of Coming Apart, Milosevic's Alliance with Extreme Right in Question", The San Francisco Chronicle, 29 May 1993, at A8. Milošević could not control parliament without a coalition. If he lost the support of Šešelj's SRS, then he would be forced into a more moderate position to forge a coalition with the moderate opposition parties. Id. However, Šešelj's power relies heavily on access to the state-controlled television which Milošević could deny. Id.

209/ James Rupert, "Yugoslav President Removed in Serb Nationalist Showdown", The Washington Post, 1 June 1993, at A12.

210/ After Croatia attacked the Serbian enclave near the Adriatic Sea in January 1993, Šešelj demanded Ćosić's resignation and referred to him as a traitor. Laura Silber, "Yugoslav Army Alerted as Battles Rage in Croatia, Bosnia", Los Angeles Times, 26 January 1993, at A10; Wilbur G. Landrey, "Crackdown a Brain Drain for Serbia", St. Petersburg Times, 1 February 1993, at 1A.

211/ John Darnton, "Belgrade Riots Follow President's Ouster", The New York Times, 2 June 1993, at A10.

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212/ Linnet Myers, "Ultra-Nationalist Winning in Serbian Power Play", Chicago Tribune, 7 June 1993, at 7; "Belgrade Riots Lead to Arrest of Opposition Leader", The Christian Science Monitor, 3 June 1993, at 6.

213/ Linnet Myers, "Yugoslavia Asks Ban on Moderates", Chicago Tribune, 4 June 1993, at 7.

214/ John Darnton, "Serbians Veer Closer to Their Extreme Edge", The New York Times, 6 June 1993, at 5.

215/ UNPROFOR Local Press Summary-Belgrade, 28 September 1993, IHRLI Doc. No. 42673-42676, at 42675; Zoran Jeličić, "The Price of Pride", Vreme, 27 September 1993, at 9. Šešelj had formed a shadow cabinet a week before the announcement of the vote of no-confidence. European Community Monitoring Mission, Weekly Summary for the Week of 19 to 25 September 1993, IHRLI Doc. No. 42682-42688, at 42684.

216/ Chuck Sudetic, "Rival Serbs Are Admitting Bosnia-Croatia Atrocities", The New York Times, 13 November 1993, at 6.

217/ UNPROFOR Local Press Summary - Belgrade, 29 September 1993, IHRLI Doc. No. 42678-42681, at 42680. According to one published report, a hallmark of Milošević is comprehensive files he keeps on the activities of his political allies. If these people turn against him, or need to be disposed of for political reasons, the compromising material is leaked to the state-controlled media. Ian Traynor, "Serb Enemies Trade Claims of War Crimes", 15 December 1993.

218/ Chuck Sudetic, "Rival Serbs are Admitting Bosnia-Croatia Atrocities", The New York Times, 13 November 1993, at 6.

219/ Stan Markotich, "Serbia", RFE/RL Research Report, 22 April 1994, at 97, citing Radio Serbia, 5 and 6 November 1993.

220/ Jonathan S. Landay, "Belgrade Regime Tied to Alleged War Crimes", The Christian Science Monitor, 26 November 1993, at 6.

221/ Id.

222/ Id. Šešelj alleges that the security service of the Yugoslav Army's main headquarters had received orders, not from its military superiors but from Radmilo Bogdanović (former Serbian Interior Minister) to attribute all the misdeeds committed by the Red Berets and Arkan's paramilitary units to SRS volunteers. "Šešelj Accuses Socialists of Putting Blame for War Crimes on His Party", BBC, 30 October 1993.

223/ Id.

224/ Chuck Sudetic, "Rival Serbs are Admitting Bosnia-Croatia Atrocities", The New York Times, 13 November 1993, at 6.

225/ Id.

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226/ Jonathan S. Linday, "Belgrade Regime Tied to Alleged War Crimes", The Christian Science Monitor, 26 November 1993, at 6.

227/ Jonathan S. Landay, "Serbian Opposition Tripped by Early Elections", The Christian Science Monitor, 27 October 1993, at 1. "Opposition? What Opposition?", The Economist, 30 October 1993, at 61.

228/ UNPROFOR Press Summary--Belgrade, 26 October 1993, IHRLI Doc. No. 45402-45407, at 45406. Šešelj claimed there had been several such attempts, including an automatic weapon, which Šešelj claims was planted, found in a hotel room of a SRS parliamentary deputy. Id.

229/ "SPS Spokesman on Party's 'Convincing Victory'", Belgrade Radio, 22 December 1993.

230/ Id.

231/ See Stephen Engelberg, "Serbia Sending Supplies to Compatriots in Croatia", The New York Times, 27 July 1991, at 3, wherein Šešelj acknowledges training and arming a contingent of fighters he calls "Četniks". But see Yiorgos Harvalias, "We Must Parcel It Out", Eleftheros Tipos, 1 November 1992, in which Šešelj stated:

> "We have no connection with paramilitary bands. Only some of our followers joined voluntarily when the war with Croatia broke out and were quickly incorporated into the Serbian army fighting in that region. Later we had cases of followers who joined the Serbian military forces in Bosnia. At this moment, however, we have no connection with paramilitary groups and our party machinery has no military character."

232/ White Eagles and "Četniks" are names associated with several paramilitary units and also are used when referring generically to Serbian soldiers. Therefore, only those reports that specifically link a White Eagle or Četnik unit to Šešelj are included in this section of the report.

233/ "Nearly 70,000 Illegal Fighters at Large in Serbia", Agence France Presse, 7 October 1993.

234/ Michael Montgomery, "Ethnic Discord: World War II Lives on for Militant Serb Četniks; the Disenchanted are Breathing New Life into an Old Movement in Strife-Torn Yugoslavia", Los Angeles Times, 9 July 1991, at 1. Šešelj's use of this name has made it more difficult to determine what alleged atrocities his men may be guilty of because Croatian and Muslim victims, remembering World War II, use "Četnik" as a generic term for Serbian soldier.

235/ Michael Montgomery, "Ethnic Discord: World War II Lives on for Militant Serb Četniks; the Disenchanted are Breathing New Life into an Old Movement in Strife-Torn Yugoslavia", Los Angeles Times, 9 July 1991, at 1.

236/ Id.

237/ Stephen Engleberg, "Serbia Sending Supplies to Compatriots in Croatia", The New York Times, 27 July 1991, at 3.

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238/ The White Eagles is the militant youth organization within the Chetnik organization. V.K. "Does Neofacism Threaten Yugoslavia?", Borba, 6 June 1991. The White Eagles most resemble the Četniks of World War II. P.D., "Party Armies in Yugoslavia", Danas, 1 October 1991. They are trained in Serbia and are under the command of Mirko Jović and Dragoslav Bokan. Id.

239/ Dejan Anastasijević, "Eagles with Clipped Wings", Vreme, 22 November 1993.

240/ Id.

241/ European Community Monitoring Mission Memo on the White Eagles, 1 July 1993, IHRLI Doc. No. 25126.

242/ Id.

243/ V.K., M.M., & G.K., "Does Neofascism Threaten Yugoslavia?", Borba, 6 June 1991. In an interview Dragoslav Bokan said of the White Eagles:

> "I wanted the young to be involved in the national issue, so I thought of renewing the "Eagles". The name attracted the kids who were putting up posters all over the city so we drew a considerable membership. There were quite a few of them who had broken the law previously, but I tried to turn them into decent people and protect them from political manipulation. Many of them were pacifists. I was an ideologist, a kind of political commissar. The war broke out in the middle of our engagement. I simply had to act. Anything else would have only been phrases. There were a number of boys whose families were killed by Ustaši during the last war. I am one of them. They arrived and we sent them."

Dejan Anastasijević, "Eagles with Clipped Wings", Vreme, 22 November 1993.

The organization was financed by donations, and the training of young members was conducted in military camps under the guidance of top athletes and priests who educated them about Orthodox virtues. V.K., M.M. & G.K., "Does Neofascism Threaten Yugoslavia?", Borba, 6 June 1991. There were three camps: one on Ravna Gora, a second near Belgrade, and a third in Kosovo. Id. The association with the SPO weakened when Jović did not want the party to be accused by the Serbian Regime of being responsible for war crimes. European Community Monitoring Mission, Memo on the White Eagles, 1 July 1993, IHRLI Doc. No. 25126.

The White Eagles remain under the command of Bokan who, on several occasions, has been arrested and interrogated by government officials. Id. However, he claims that his troops at the front were under the command of and armed by the local territorial defence units. Dejan Anastasijević, "Eagles with Clipped Wings", Vreme, 22 November 1993. Bokan also said that his troops were not put under the command of the Serbian Ministry of the Interior. He explained that they never offered because they knew he would not agree to it. Id. Bokan indicated that his troops were not allowed to seize an area which would be kept under their control. Id. He said that they would make offers to transfer his people to other units such as those of Captain Dragan or the Red Berets. Id.

After surviving several assassination attempts, Bokan split with the SPO

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and now claims to be devoting his life to reflection. Id.; European Community Monitoring Mission, Memo on the White Eagles, 1 July 1993, IHRLI Doc. No. 25126. Bokan denies committing war crimes and states that one reason he is disliked by the Serbian Regime is his punishment of persons under his command who committed war crimes. Dejan Anastasijević, "Eagles with Clipped Wings", Vreme, 22 November 1993. Bokan stated:

> "No one in my vicinity ever raped anybody, and if he did, he had to pay for it dearly . . . ."
>
> "The other day I gave a long interview to BBC television. They asked me whether I was ready for a hearing by an international commission for war crimes. I replied that I would first like to see the documents they are charging me with. But, I would be a poor example for such a trial. I don't belong to the same bag with the people on the list of Helsinki Watch."
>
> ". . . Even the Croatian press wrote about me with a certain dose of respect. They also predict that I will be sacrificed, and even they draw a distinction between me and the others on the list. I believe that such a process would do me more good [than] harm, compared to Šešelj."

Id.

244/ Stephen Engleberg, "Serbia Sending Supplies to Compatriots in Croatia", The New York Times, 27 July 1991, at 1.

245/ V.K., "Does Neofacism Threaten Yugoslavia?", Borba, 6 June 1991.

246/ Michael Montgomery, "Ethnic Discord: World War II Lives on For Militant Serb Četniks: the Disenchanted are Breathing New Life into an Old Movement in Strife-Torn Yugoslavia", Los Angeles Times, 9 July 1991, at 1.

247/ Id.

248/ Id.

249/ Id. Šešelj went on Serbian television with a Thompson sub-machine-gun, explained its operation, and described how the "victims eyes fall out" when they are shot in the head. Nenad Lj. Stefanović, "Claimant to Leadership", Vreme, 28 December 1992.

250/ Id. Blaine Harden, "Old Hatreds, New Allies Spur Serbs: Guerrilla Group Battling Croats", The Washington Post, 28 July 1991, at A1. These guns are difficult to buy in large quantities from arms dealers. Id. However, the US Government provided thousands of Thompsons to the Yugoslav army in the early 1950's as part of a military aid programme. Id. They were standard issue for the Yugoslav army until the 1970's when they were put in storage. Id.

251/ Blaine Harden, "Old Hatreds, New Allies Spur Serbs: Guerrilla Group Battling Croats", The Washington Post, 28 July 1991, at A1.

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252/ Dada Vujasinović, "Biographic Data on Serbian Fighter Arkan", Duga, 1 February 1993.

253/ Id.

254/ Id. The inspectors who had dealings with him at the time say that [Arkan] was unusually strong for his age and as agile as a top, never dirty or sloven, always clean and properly dressed. In their first encounters he confused them. During one of the first arrests, at the age of 14 or 15, two inspectors found him in a Čubura pastry shop. Without enough experience, they thought that arresting [Arkan] would be a routine matter. But [Arkan] resisted stubbornly, slipped away, and deftly escaped until the policemen realized that in this case they would have to apply treatment intended for much older delinquents. "If he had gone out for any sport, he certainly would have achieved extraordinary results. That was just the way he was-capable of anything," one Belgrade policeman stated. Id.

255/ Id.

256/ "Serbian Hit Man", The Washington Post, 9 January 1993, at A20.

257/ Chuck Sudetic, A Shady Militia Chief Arouses Serbs, 20 December 1992, at 12.

258/ Id. Arkan, along with Slobodan Kostovski and Carlo Fabiani, an Italian citizen, are suspected in a 5 September 1979 armed robbery in a bank in Stockholm. Fabiani was arrested and on 11 September 1979, he was taken to the City Court of Stockholm for a court hearing. When Fabiani was taken into the courtroom, Arkan and Kostovski reportedly helped him escape by firing several gunshots at the guards. On 21 September 1979, this same group is alleged to have committed armed robbery in a large department store in Gothenburg before moving on to the Netherlands. Memo to M. Cherif Bassiouni, Chairman, Commission of Experts, from Christina Steen Sundberg, Chief Prosecutor, Stockholm, Sweden, 18 November 1993, IHRLI Doc. No. 52361-52365.

259/ See "Serbia's Treacherous Gang of Three", The Washington Post, 7 February 1993, at C1; Cook Report. Goran Vuković, a Serbian criminal known as the murderer of Ljuba Zemunac, said the following about Arkan's skill as a bank robber:

> "Of all of us, Arkan robbed the most banks: He walked into them almost like they were self-service stores. No one can quarrel with that fact about him. I don't know about politics, but as far as robbery is concerned, he was really unsurpassed. That is all he has done his entire life. Banks were his specialty, as well as spectacular escapes from prison. He managed to escape from the same prison two or three times. He even escaped from the Germans."

Dada Vujasinović, "Biographic Data on Serbian Fighter Arkan", Duga, 1 February 1993.

260/ Chuck Sudetic, "A Shady Militia Chief Arouses Serbs", The New York Times, 20 December 1992, at 12. Some reports have suggested that Arkan's father offered Arkan's services to Stane Dolanc, head of the SSUP, so that his son could expend his surplus energy, skill, and intelligence usefully. Id.;

Notes (continued)

see also Dada Vujasinović, "Biographic Data on Serbian Fighter Arkan", Duga, 1 February 1993. Arkan also had close relations with some of Tito's generals, including Jovo Popović, who is thought to be largely responsible for Arkan's physical and mental conditioning. Id.

261/ Chuck Sudetic, "A Shady Militia Chief Arouses Serbs", The New York Times, 20 December 1992, at 12.

262/ Id.

263/ Id.

264/ Dada Vujasinović, "Biographic Data on Serbian Fighter Arkan", Duga, 2 February 1993. An example of this was in early 1986 when Arkan beat someone up in an elevator after losing money gambling. The SSUP tried to clear Arkan of responsibility while the city police sought the harshest punishment possible. The court refused to exonerate Arkan because a search of his house revealed an arsenal of weapons, identification cards from several different countries, 11 passports from nearly every European country and the United States, a diplomatic passport and six press passports. Still he was only sentenced to eight months in prison. Id.

265/ Id. Allegedly, when at the casinos, if Arkan won, he would demand payment immediately. If he lost, he would use his gun to insure that he did not have to pay his debt. Id.

266/ Dada Vujasinović, "Biographic Data on Serbian Fighter Arkan", Duga, 2 February 1993.

267/ David Firestone, "Safety in Parliament; U.S. Calls Serbian Politician Vicious Killer", Newsday, 1 January 1993, at 4.

268/ Id.

269/ Dada Vujasinović, "Biographic Data on Serbian Fighter Arkan", Duga, 1 February 1993. The Serbian Minister of Interior publicly stated during the March 1991 demonstrations in Belgrade that "the demonstrators would have got what they deserved had Arkan not been [in prison] in Croatia". European Community Monitoring Mission, Information Section Briefing - Arkan, File 1002, IHRLI Doc. No. 25141-25142.

270/ European Community Monitoring Mission, Information Section Briefing -Arkan, File 1002, IHRLI Doc. No. 25141-25142. There was anoher incident involving a political party in opposition to Milošević, namely the party led by Šešej. Šešelj tried to enter a soccer match with a group of his supporters but wasdenied entrance by security. This resulted in an uprising at the stadium. Arkan intervened in support of security officials and argued to bar Šešelj from the game because of the politically divisive effect on the fans. Eyewitnesses say that during the meeting between Arkan and Šešelj, their first, the conversation was the following:

> "'Do you know who I am? Do you know how many people I have killed for the fatherland?' Arkan asked."

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> "'No, I don't. I have not killed a single one, but I will begin with you. I will strangle you with my bare hands.' Šešelj responded."

Id.

271/ Salih Zvizdić, "Arkan's Life, Crimes, Prison Release Viewed", Vjesnik, 12 April 1992.

272/ Id.

273/ Andrew Bilski, "Wild in the Streets; Lawlessness in Belgrade is a Brutal Extension of Wars in Bosnia and Croatia--and it is Worsening", Maclean's, 14 December 1992, at 20.

274/ "World News Tonight with Peter Jennings", American Broadcasting Corporation, 7 June 1993. One Belgrade journalist who traveled with Arkan for several weeks stated: "I saw Arkan in his white Pajero driving in and out of eastern Croatia in the fall of 1991. He was supervising as his men drove truck after truck of plunder across the Danube into Serbia. They were taking blankets, tires, shoes and whiskey." Blaine Harden, "Serbia's Treacherous Gang of Three", The Washington Post, 7 February 1993, at C1.

275/ Carol J. Williams, "A People Poisoned by Chaos: In What Remains of Yugoslavia, a Sense of Injustice is Pervasive and Violent Crime is Skyrocketing. Experts Fear that what is also Growing is a Dangerous National Psychosis", The Los Angeles Times, 27 March 1993, at A1.

276/ Id.

277/ "Serbia; Beyond the Ultras", The Economist, 5 June 1993, at 56. There are several private banks in Belgrade offering outrageous interest rates to encourage deposits. The banks' interest rates are 10 per cent a month for foreign currency and 70 per cent for dinars. The interest payments provide the only means of support for most of the unemployed. However, as one Western diplomat stated: "These banks are going to crumble like houses of cards one of these days . . . It's pretty sure they are laundering Bosnian loot - but it defies any kind of logic that they can keep it up." Louise Branson, "Young Gangs Rule Belgrade Streets", The Christian Science Monitor, 6 November 1992, at 2. Arkan is said to have sent armed men to Belgrade's black market areas to threaten rivals who offer a higher rate of return on investors' money than he does. Andrew Bilski, "Wild in the Streets; Lawlessness in Belgrade is a Brutal Extension of Wars in Bosnia and Croatia--and its Worsening", Maclean's, 14 December 1992, at 20.

It is also reported that Arkan owns a "pizzeria" in Erdut near his training facility. Internal Memo of the Commission of Experts to M. Cherif Bassiouni, Chairman, from Anton Kempenaars, Assistant to the Commission, 7 December 1993.

278/ "World News Tonight with Peter Jennings", American Broadcasting Corporation, 7 June 1993. The Serbian Orthodox Church often blesses these boxing matches. Id.

279/ Id. Arkan allegedly received as much as $1,000 per month from each business he protected. Id.

Notes (continued)

280/ Id.

281/ Andrew Bilski, "Wild in the Streets; Lawlessness in Belgrade is a Brutal Extension of Wars in Bosnia and Croatia--and its Worsening", Maclean's, 14 December 1992, at 20. In the summer of 1992, Montenegrin police arrested Alexander Knežević, a Belgrade gangster later killed on 28 October 1992 (possibly by Arkan because Knežević was gaining power). After Knežević was charged with killing another gangster, Serbia's interior ministry won his release and dispatched a helicopter to return him to Belgrade. Id. In another incident involving Knežević, during an anti-government demonstration in Belgrade's main Terazije Square, police withdrew moments before members of Knežević's gang began beating up the student protestors. Id.

Another indication of government or police involvement in Belgrade's organized crime is that with a force of 40,000 men only one in every 14 reported crimes was solved last year. "World News Tonight with Peter Jennings", American Broadcasting Corporation, 7 June 1993. In an ABC interview an anonymous Arkan insider stated: "It is certain that the police are involved with the highest government officials. In my opinion, up [as high as] the minister of the interior. The police are connected with the top gangsters who are doing the dirtiest jobs for the government." Id.

282/ Thom Shanker, "Yugoslav Vote Crucial to Balkans", Chicago Tribune, 20 December 1992, at 3.

283/ Jonathan Kaufman, "Kosovo Offers Another Flashpoint in the Complexity of Yugoslavia", The Boston Globe, 28 December 1992, at 1.

284/ Id.

285/ Id.

286/ "Arkan Reportedly Purchases Bozhur Hotel", Tirana, 24 February 1993.

287/ Thom Shanker, "Yugoslav Vote Crucial to Balkans", Chicago Tribune, 20 December 1992, at 3.

288/ Jonathan Kaufman, "Kosovo Offers Another Flashpoint in the Complexity of Yugoslavia", The Boston Globe, 28 December 1992, at 1.

289/ "Arkan Reportedly Purchases Bozhur Hotel", ATA, 24 February 1993.

290/ "Serbian Radical Party Proposes Vote of No-confidence in Serbian Government", Tanjug, 22 September 1993.

291/ Id.

292/ Chuck Sudetic, "Rival Serbs Are Admitting Bosnia-Croatia Atrocities", The New York Times, 13 November 1993, at 6.

293/ Miloš Vasić, "The December Vote: Slobodan and Arkan's Flying Circus", War Report, December 1993.

Notes (continued)

294/ John Kifner, "Majority Eludes Leader in Serbia: Three Seats Short of Control, Milosevic Is Seen as Still Likely to Retain Power", The New York Times, 23 December 1993.

295/ "Nationalist Leads Serb Campaign", Chicago Tribune, 19 December 1993, at 14.

296/ See John Kifner, "An Outlaw in the Balkans Is Basking in the Spotlight", The New York Times, 23 November 1993; "Nationalist Leads Serb Campaign", Chicago Tribune, 19 December 1993, at 14; Miloš Vasić, "The December Vote: Slobodan and Arkan's Flying Circus", War Report, December 1993. For a more detailed discussion of the rift between Milošević and Šešelj, see Šešelj below.

297/ Stan Markotich, "Serbia", RFE/RL Research Report, 22 April 1994, at 98.

298/ "Nationalist Leads Serb Campaign", Chicago Tribune, 19 December 1993, at 14.

299/ John Kifner, "Majority Eludes Leader in Serbia: Three Seats Short of Control, Milošević is Seen as Still Likely to Retain Power", The New York Times, 23 December 1993.

300/ Šćepan Vuković, "Arkan Interviewed on Life, War, Arrest", Pobjeda, 13 January 1992.

301/ Arkan has said that: "Those who join [the Tigers] have to lock up any politics in the lockers in their rooms." Id.

302/ European Community Monitoring Mission, Information Section Briefing -Arkan, File 1002, IHRLI Doc. No. 25141-25142.

303/ Roy Gutman, "Envoy Talks Tough: Calls Serb Destruction of City War Crime, but also Warns Croats", Newsday, 18 July 1993.

304/ Internal Commission of Experts Memo to Chairman Cherif Bassiouni from Anton Kempenaars, Assistant to the Commission, 7 December 1993.

305/ Id.

306/ "Arkan: No Longer any need for "Tigers" to be Concentrated in Erdut", BBC, BBC Summary of World Broadcasts, 4 April 1994.

307/ European Community Monitoring Mission, Information Section Briefing -Arkan, File 1002, IHRLI Doc. No. 25141-25142.

308/ Id.

309/ Id.

310/ Internal Commission of Experts Memo to Chairman Cherif Bassiouni from Anton Kempenaars, Assistant to the Commission, 7 December 1993.

Notes (continued)

311/ Id.

312/ All of the footnotes in section III of this report, entitled "Other Identified Paramilitary Groups," are cites to the sources contained in the text of this section.

313/ IHRLI Doc. No. 45763-45764.

314/ IHRLI Doc. No. 28661. A rape victim stated that she was held in brothels in Livno and Sarajevo by "Alija's warriors". It is not clear from the report whether the group she refers to is the same paramilitary organization as Alija's Army, or whether she is referring generically to the army of BiH as President Alija Izetbegović's "warriors".

315/ IHRLI Doc. No. 3129 and 5465. The report lists the villages which were attacked, namely, Zaslivlje, Zabrdje, Turija, Jošanica and Repovica.

316/ See IHRLI Doc. No. 11540-11550, 28645, 28652-28653 and 29760. Although some reports question the existence of this group, it was reported by an official source that the Black Swans exist and include many foreigners. Their headquarters, which reportedly displays a black flag with arabic writing, is east of Konjic on the Mostar to Sarajevo road.

317/ IHRLI Doc. No. 45763.

318/ IHRLI Doc. No. 62629.

319/ IHRLI Doc. No. 62756.

320/ IHRLI Doc. No. 62613 provides information on the troop strength at Handići there were allegedly 40 to 50 men and the forces from Pokojište contained 30 to 40.

321/ IHRLI Doc. No. 62613.

322/ IHRLI Doc. No. 62756.

323/ IHRLI Doc. No. 45756.

324/ IHRLI Doc. No. 2804.

325/ IHRLI Doc. No. 45764.

326/ Id.

327/ IHRLI Doc. No. 45768.

328/ IHRLI Doc. No. 62620

329/ IHRLI Doc. No. 51640.

330/ IHRLI Doc. No. 45752.

Notes (continued)

331/ IHRLI Doc. No. 41234. An official source reported that the MOS, like the HOS, is a term used by many paramilitary units. Much of what is written in this section was the responsibility of the 7th Muslimanska Brigada in Zenica, and some can be credited to Zuka's forces or to a mixture of foreign Mujahedin.

332/ See also IHRLI Doc. No. 45756, which states that the Black Swans commanded by Zulfikar Ali Spage were also involved in the attack at Stipića Meadow.

333/ IHRLI Doc. No. 45752.

334/ IHRLI Doc. No. 51637, 51631, 51640, 51669. Three villages, Čajdraš, Vjetrenica Mountain, and Busovača are mentioned in the reports. Witnesses also relate that many civilians were killed in the area. The bodies of the victims were usually found burned in their homes. Id.

335/ IHRLI Doc. No. 48029 and 48030.

336/ IHRLI Doc. No. 14581

337/ IHRLI Doc. No. 35750.

338/ IHRLI Doc. No. 28952

339/ IHRLI Doc. No. 28817 and 28977. Ibrahim Džinić, a member of both the 102 Odžak Brigade of the Croatian Defence Council (HVO) and the Municipal Committee of the Party of Democratic Action in Odzak, allegedly procured arms and matériel in Vinkovci, Croatia.

340/ IHRLI Doc. No. 25663.

341/ IHRLI Doc. No. 3129 and 5465. The villages attacked were Zaslivlje, Zabrdje, Turija, Jošanica, and Repovica.

342/ IHRLI Doc. No. 35750

343/ IHRLI Doc. No. 51657

344/ Documents submitted to the Commission of Experts indicate the existence of two paramilitary organizations, the "Black Legion" and the "Black Shirts", although at least one witness testimony implied that the names were interchangeable. See IHRLI Doc. No. 22201-22203.

345/ IHRLI Doc. No. 46203.

346/ IHRLI Doc. No. 22201-22203.

347/ Id.

348/ See IHRLI Doc. Nos.'s 46072-56106 (containing witness statements that refer cosistently to attacking groups as "Croatian National Guardsmen").

Notes (continued)

349/ IHRLI Doc. No. 46078.

350/ IHRLI Doc. No. 28817-28825, 28952. See also IHRLI Doc. No. 28817-19 (containing information on CDU finances and how the organization purchased and transported war material).

351/ IHRLI Doc. No. 56202.

352/ Id.

353/ See IHRLI Doc. No. 56202.

354/ Id.

355/ "Croatian Public Opinion 'Divided' on Return of Serbs Who Fled", BBC Summary of World Broadcasts, 27 February 1992, at EE/1315/C1/1.

356/ IHRLI Doc. No. 56202.

357/ Mihajlo Crnobrnja, The Yugoslav Drama 170 (1994).

358/ Michael Ignatieff, "Nasty, Brutish and Short: Where the Warlords Hold Sway from Behind the Wheel of a Cherokee Chief", Ottawa Citizen, 11 April 1993, at C1.

359/ Mihajlo Crnobrnja, The Yugoslav Drama 170 (1994). See also Michael Ignatieff, "Nasty, Brutish and Short: Where the Warlords Hold Sway from Behind the Wheel of a Cherokee Chief", Ottawa Citizen, 11 April 1993, at C1.

360/ IHRLI Doc. No. 48295.

361/ Id.

362/ IHRLI Doc. No. 12623 and 29010. Translations of Vatreni Konji are varied. See, e.g., IHRLI Doc. No. 11932 ("Fire Horses Brigade"); IRHLI Doc. No. 29014 ("Flaming Horses"); IHRLI Doc. No. 28997 (Fiery Horses).

363/ IHRLI Doc. No. 28988.

364/ IHRLI Doc. No. 28644 and 28704-28705. The commander of the Horses of Fire, Majran Brnić, reportedly was from Posavska Mahala, Odžak (IHRLI Doc. No. 028965-67).

365/ The Horses of Fire reportedly operated at the following locations: Ristani, Bogodol, Raška Gora, Dobrić, Biograci, Medjine, Vihovići, Slipčići, Bačevići, Potoci, Salakovac, Vrapčici (near Mostar), Gnojnica, Buna, Hodbina, Pijesci, Blagaj (near Mostar), Dračevo, Rečice, Burmazi, Paprati, Opličići, Ošanići, Donji and Gornji Poplat, Pljesavac and Prenj (near Stolac), Čavaš, Dvrsnica, Orašje, Gornje Hrasno, Čvaljina and Orahov Do, Zavala, Golubinac, Belenići, Kijev Do, Gorogaše, Dobromiri, Pozamo, Baljivac, Rapti, Ščenica, Suše, Misite, Čopice, Podosoje, Slivnica and Lopoč, Bobani Plato, Zaplanik, Ivanjica, Začula and several other villages in the municipality of Trebinje. IRHLI Doc. No. 28602-28603.

Notes (continued)

366/ IHRLI Doc. No. 28539.

367/ IHRLI Doc. No. 28965-28967.

368/ IHRLI Doc. No. 12613-12614.

369/ IHRLI Doc. No. 28988.

370/ Id., IHRLI Doc. No. 28997-289001.

371/ IHRLI Doc. No. 28997-29001.

372/ IHRLI Doc. No. 12613-12164.

373/ IHRLI Docs. No. 28958-28962, 28965-28967, 28987-28992, 28602, 28603, 28708-28710.

374/ IHRLI Doc. No. 28708-28710.

375/ IHRLI Doc. No. 12613-12614.

376/ IHRLI Doc. No. 28958-28962.

377/ IHRLI Docs. No. 28539, 28602, 28644, 28704-28705, 28708-28710, 28958-28967, 28987-28992, 28997-29001, 29007, 29010-29014, 11932, 36606, 12613-12614.

378/ IHRLI Doc. No. 28704-28705.

379/ IHRLI Doc. No. 28644.

380/ IHRLI Doc. No. 11932.

381/ IHRLI Doc. No. 28966.

382/ IHRLI Doc. No. 28965-28967.

383/ IRHLI Doc. No. 28704-28705.

384/ Id.

385/ IHRLI Doc. No. 28958-28962.

386/ IHRLI Doc. No. 28539.

387/ Christopher Bellamy, "Bosnian Serbs Adjust to New Order", The Independent, 1 April 1994, at 10, available in LEXIS, News Library, Curnws File.

388/ Catherine Toups, "Bosnia-Hercegovina: Preparing for the Day of Reckoning", Inter Press Service, 15 February 1994, available in LEXIS, News Library, Curnws File.

Notes (continued)

389/ Id.

390/ Id.

391/ James O. Jackson, "No Rush to Judgement", Time, 27 June 1994, at 48-51.

392/ "Defence Minister Reports on Activities of Croatian Army Units in Bosnia", BBC Summary of World Broadcasts, 1 February 1994, available in LEXIS, News Library, Curnws File.

393/ Christopher Bellamy, "Bosnian Serbs Adjust to New Order", The Independent, 1 April 1994, at 10, available in LEXIS, News Library, Curnws File.

394/ Id.

395/ IHRLI Doc. No. 25523.

396/ IHRLI Doc. No. 25523.

397/ IHRLI Doc. No. 55366.

398/ IHRLI Doc. No. 45351, 41159. Reports mention that "Tiger" units joined the HVO forces in Mostar in June 1993. Later reports mention an HVO unit named "The Kiseljak Tigers" (also called "United to Death") in connection with the October 1993 massacre at the Muslim village of Stupni Do near Vareš. It is not clear whether these two groups are the same "Tiger" forces. Id.

399/ IHRLI Doc. No. 41159.

400/ IHRLI Doc. No. 45351.

401/ Id. For UNPROFOR press release, see IHRLI Doc. No. 43929-43930.

402/ IHRLI Doc. No. 45351.

403/ IHRLI Doc. No. 19947C.

404/ IHRLI Doc. No. 34965.

405/ Id.

406/ IHRLI Doc. No. 2804.

407/ Id.

408/ IHRLI Doc. No. 2805.

409/ Id.

410/ Id.

Notes (continued)

411/ Id.

412/ Id.

413/ Id.

414/ IHRLI Doc. No. 2806.

415/ Id.

416/ Id.

417/ Id.

418/ IHRLI Doc. No. 2807.

419/ IHRLI Doc. No. 2804. This brigade is also referred to as simply the XII Slavonian Brigade. IHRLI Doc. No. 2810.

420/ Id. See IHRLI summary sheet for Unit of Daruvar.

421/ IHRLI Doc. No. 2807. See IHRLI summary sheet for the Bilogorian Odred.

422/ IHRLI Doc. No. 2810.

423/ IHRLI Doc. No. 2926.

424/ Id.

425/ Id.

426/ Id.

427/ Id.

428/ Id.

429/ Id.

430/ Id.

431/ IHRLI Doc. No. 2927.

432/ After the first day of killing, on 2 May, a JNA commander passed the hotel and told a policeman that the killing should only be done on the front line. He said he would personally kill anyone who was killing people in the centre of town, IHRLI Doc. No. 39141.

433/ IHRLI Doc. No. 39141.

434/ Id.

Notes (continued)

435/ IHRLI Doc. No. 39140.

436/ IHRLI Doc. No. 63996.

437/ IHRLI Doc. No. 49197.

438/ IHRLI Doc. No. 2807.

439/ Id.

440/ IHRLI Doc. No. 2808.

441/ Id.

442/ Id.

443/ IHRLI Doc. No. 2894. But see IHRLI Doc. No. 2808 (indicating that the *Bilogorian Odred* launched a mortar attack on Grubišno Polje and Ivanovo Selo in concert with JNA and ("Četnik" forces and that eight people were killed and an unspecified number wounded).

444/ IHRLI Doc. No. 2808.

445/ Id.

446/ IHRLI Doc. No. 47023.

447/ Id.

448/ IHRLI Doc. No. 56909.

449/ See IHRLI Doc. No. 56615, which reports that Captain Dragan Kalinić worked alongside Arkan as a commander of forces in Brčko on 1 May 1992.

450/ The BBC quoted Milan Martić who revealed in August 1991 that Captain Dragan's real name was Daniel Sneden.

451/ IHRLI Doc. No. 62124-62125.

452/ Id.

453/ "Croatian Serbs 'Recruit Italian Fighters'", *The Independent*, 21 October 1993, at 12.

454/ IHRLI Doc. No. 34965.

455/ IHRLI Doc. No. 42890. The witness provides a detailed account of the atrocities at Velepromet in Vukovar, but Captain Dragan is named only in regard to the incident regarding the witness's daughter. Id.

456/ Personal account of Zack Novković in *Soldier of Fortune*, April 1994, at 49-50.

Notes (continued)

457/ IHRLI Doc. No. 47018.

458/ IHRLI Doc. No. 63996 (listing the paramilitary units involved in the Zvornik assault under "Other Formations").

459/ IHRLI Doc. No. 34963.

460/ IHRLI Doc. No. 56995.

461/ IHRLI Doc. No. 2878.

462/ IHRLI Doc. No. 47019.

463/ IHRLI Doc. No. 34959, 42896 and 42899. Dušan the Great forces allegedly attacked Lovas with members of the "Territorial Defence".

464/ Id. See also IHRLI Doc. No. 15123, which reports that 51 people were killed in Lovas on 17 October.

465/ IHRLI Doc. No. 63996 (listing the paramilitary units involved in the Zvornik assault under "Other Formations").

466/ IHRLI Doc. No. 47022.

467/ IHRLI Doc. No. 62783.

468/ IHRLI Doc. No. 35705.

469/ IHRLI Doc. No. 35685.

470/ IHRLI Doc. No. 62782.

471/ IHRLI Doc. No. 35687. Karaman's house has also been described as a warehouse. Id.

472/ IHRLI Doc. No. 30291.

473/ IHRLI Doc. No. 49192.

474/ IHRLI Doc. No. 30246.

475/ IHRLI Doc. No. 63996 (listing the paramilitary units involved in the Zvornik assault under "Other Formations").

476/ "Nationalistic Serbs Threaten Terrorist Attacks if Intervention", Agence France Presse, 13 May 1993, available in LEXIS, News Library, Curnws File.

477/ Suzanne Nelson, "Yugoslavia: Extremist Groups Come to Life in Disillusioned Serbia", Inter Press Service, 17 November 1992, available in LEXIS, News Library, Curnws File.

Notes (continued)

478/ IHRLI Doc. No. 29875-6. See also IHRLI Doc. No. 11921, containing a witness statement which refers to the Užice Corps action at Površnica mountain.

479/ IHRLI Doc. No. 9157.

480/ Id.

481/ IHRLI Doc. No. 9158.

482/ Id.

483/ IHRLI Doc. No. 9159.

484/ IHRLI Doc. No. 56879.

485/ Chris Stephen, "View from the Zoo", Houston Chronicle, 5 December 1993, at A33.

486/ IHRLI Doc. No. 52131.

487/ See also IHRLI Doc. No. 29870 (alleging that Dragan Ikanović participated in operations in Vogosća County conducted by paramilitary leader Joja Tintor).

488/ IHRLI Doc. No. 29870.

489/ IHRLI Doc. No. 56879.

490/ IHRLI Doc. No. 42899. Devetak was apparently raised in Lovas, worked in Osijek and later moved with a private firm to Belgrade before the war.

491/ IHRLI Doc. No. 39953.

492/ The witness was held in the camp for several days, during which time many people were killed. He did not specifically identify the Zoran Karlica paramilitary group as perpetrators of the abuses that occurred at Trnopolje camp. Id.

493/ U.N. Military Information Branch, Who's Who in Former Yugoslavia, No. 1, 1 February 1994, IHRLI Doc. No. 62101-62173, at 62124 states that "Captain Dragan" "led a force called 'Knindže' in Knin during 1990-91." It is unclear whether the Knindža Turtles are the same 'Knindže' as those mentioned in Who's Who, or whether they operated under the command of Captain Dragan. The Turtles may be linked with Captain Dragan through his training camp, which contained over 1,000 Republic of Serbian Krajina volunteers.

494/ IHRLI Doc. No. 3620-3621.

495/ Id.

496/ IHRLI Doc. No. 34956.

Notes (continued)

497/ IHRLI Doc. No. 62141.

498/ IHRLI Doc. No. 29887.

499/ IHRLI Doc. No. 34734.

500/ IHRLI Doc. No. 49192.

501/ IHRLI Doc. No. 34993.

502/ IHRLI Doc. No. 52430.

503/ IHRLI Doc. No. 34993.

504/ "The Fighting in Croatia in Brief", BBC Summary of World Broadcasts, 25 July 1991.

505/ IHRLI Doc. No. 15903.

506/ See, e.g., IHRLI Doc. No. 55087.

507/ IHRLI Doc. No. 45390.

508/ IHRLI Doc. No. 24432.

509/ IHRLI Doc. No. 26349A26.

510/ Tyler Marshall, "Serbs and Croats Face Off Along Frontier of Hatred", Los Angeles Times, 14 July 1991, at 1.

511/ IHRLI Doc. No. 26349A26; Dessa Trevisan, "Yugoslavs Arm for All-Out War", The Times, 1 August 1991 (reporting that the special task force known as Knindže, commanded by Captain Dragan, is one of Martić's forces).

512/ IHRLI Doc. No. 24432.

513/ Misha Glenny, The Fall of Yugoslavia 17 (1993).

514/ IHRLI Doc. No. 26349A26.

515/ "Yugoslav Army Halts Croat-Serb Conflict", Washington Times, 1 April 1991, at A2.

516/ Dessa Trevisan, "Croat Police Given Army Ultimatum", The Times, 3 April 1993, available in LEXIS, News Library, Curnws File.

517/ IHRLI Doc. No. 18484, 26349A26.

518/ Blaine Harden, "Guerrillas, Army Shell Croatian City: Republics' Leaders Open Peace Talks", Washington Post, 21 Augugust 1991, at A8.

Notes (continued)

519/ Tyler Marshall, "Serbs and Croats Face Off Along Frontier of Hatred", Los Angeles Times, 14 July 1991, at 1.

520/ Alan Ferguson, "Belgrade Puts Pressure on Rebellious Republics", Toronto Star, 26 June 1991, at A1.

521/ Donald Forbes, "Croats and Serb Guerrillas Fight in a Dozen Towns", Reuters, 11 September 1991, available in LEXIS, News Library, Curnws File.

522/ Eileen Yin, "Yugoslav Political Leaders Hold Crucial Talks on Country's Future", UPI, 22 July 1991, available in LEXIS, News Library, UPI File.

523/ "Other Report on Croatian Conflict", BBC Summary of World Broadcasts, 2 August 1991.

524/ "The Fighting in Croatia in Brief", BBC Summary of World Broadcasts, 25 July 1991.

525/ Jonathan S. Landay, "Dispute Over Army Role in Croatia Focus of Presidency Meeting", UPI, 26 July 1991, available in LEXIS, News Library, UPI File.

526/ Meriel Beattie, "At Least Four Dead in Fresh Battles Between Serbs and Croats", Reuters, 14 August 1991, available in LEXIS, News Library, Curnws File.

527/ Nešo Djurić, "Serbian Guerrillas Fight for Croatian Territory", UPI, 19 August 1991, available in LEXIS, News Library, UPI File.

528/ Blaine Harden, "Guerrillas, Army Shell Croatian City; Republics' Leaders Open Peace Talks", Washington Post, 21 August 1991, at A8.

529/ Id.

530/ IHRLI Doc. No. 55087.

531/ Blaine Harden, "Guerrillas, Army Shell Croatian City; Republics' Leaders Open Peace Talks", Washington Post, 21 August 1991, at A8.

532/ IHRLI Doc. No. 2955.

533/ IHRLI Doc. No. 19123.

534/ IHRLI Doc. No. 49197.

535/ IHRLI Doc. No. 2813.

536/ IHRLI Doc. No. 2886.

537/ IHRLI Doc. No. 2895.

538/ IHRLI Doc. No. 2798.

Notes (continued)

539/ Id.

540/ Alan Ferguson, "Belgrade Puts Pressure on Rebellious Republics", Toronto Star, 26 June 1991, at A1.

541/ "Belgrade Radio Reports Martić's Claim of 30 Killed in Ljubovo", BBC Summary of World Broadcasts, 5 July 1991.

542/ IHRLI Doc. No. 2834.

543/ IHRLI Doc. No. 2846.

544/ IHRLI Doc. No. 55095.

545/ Peter Humphrey, "Bosnia Holds Emergency Defence Meeting after Serb Incursion", Reuters, 9 June 1991, available in LEXIS, News Library, Curnws File.

546/ "The Sandzak Referendum in Brief", BBC Summary of World Broadcasts, 4 November 1991, available in LEXIS, News Library, Curnws File.

547/ IHRLI Doc. No. 34170.

548/ IHRLI Doc. No. 29827-29828.

549/ IHRLI Doc. No. 62782-62786.

550/ IHRLI Doc. No. 56879.

551/ IHRLI Doc. No. 20271-20296.

552/ IHRLI Doc. No. 20272.

553/ IHRLI Doc. No. 20275.

554/ IHRLI Doc. No. 20271-20296.

555/ IHRLI Doc. No. 63996 (listing the paramilitary units involved in the Zvornik assault under "Other Formations").

556/ IHRLI Doc. No. 34734.

557/ IHRLI Doc. No. 49192-49193.

558/ IHRLI Doc. No. 2810.

559/ Id.

560/ Id. The source is ambiguous regarding the involvement of the unit commanded by Lukić and Radosavljević in the attacks and abuses committed by "Četniks". Id.

Notes (continued)

561/ IHRLI Doc. No. 62693.

562/ IHRLI Doc. No. 56883.

563/ IHRLI Doc. No. 29875-29876. See also the witness statement at IHRLI Doc. No. 11921, which refers to the Užice Corps action at Površnica mountain.

564/ IHRLI Doc. No. 39930.

565/ Id.

566/ Id.

567/ See also U.N. Military Information Branch, "Who's Who in Former Yugoslavia", No. 1, 1 February 1994, IHRLI Doc. No. 62101-62173, at 62124-5, where "Captain Dragan" is reported to command paramilitary forces called "Red Berets". It is unclear whether Captain Dragan is the commander of this unit, or whether this is one of many paramilitary units trained in camps run by Captain Dragan, which operate under independent command in the field.

568/ IHRLI Doc. No. 8276.

569/ IHRLI Doc. No. 57050.

570/ IHRLI Doc. No. 56328.

571/ IHRLI Doc. No. 56329.

572/ IHRLI Doc. No. 39242A. The victim states that she and up to 2,000 other women were raped repeatedly during her stay at the school, but the Red Berets are specifically identified as perpetrators in only one incident in her statement. Id.

573/ IHRLI Doc. No. 49197.

574/ IHRLI Doc. No. 34956.

575/ IHRLI Doc. No. 34733-34734. On 24 June 1992, a number of Muslim civilians were arrested in the stable of Salko Guso by order of Momir Savić. Savić's group also removed two Muslims from a bus carrying refugees from Višegrad. Id.

576/ The attack of Kozarac is described in IHRLI Doc. No. 62693.

577/ IHRLI Doc. No. 62711-62713.

578/ IHRLI Doc. No. 62711-62712.

579/ IHRLI Doc. No. 62712.

580/ IHRLI Doc. No. 62713.

Notes (continued)

581/ Id.

582/ IHRLI Doc. No. 30212.

583/ IHRLI Doc. No. 56632-56633.

584/ The US State Department document alleges that they personally killed 5,000 people, but there is no explanation under what circumstances this killing may have occurred.

585/ This is hearsay information.

586/ IHRLI Doc. No. 62684.

587/ Their names can be found in the April 1993 Banja Luka Serbian Voice, or Glas Srpski, newspapers.

588/ IHRLI Doc. No. 29868.

589/ IHRLI Doc. No. 29870.

590/ Kornjača means "turtle" in Serbo-Croatian. Kornjača claims it is his real name, while others claim he adopted it as a nom de guerre. Peter Maas, "In Bosnia War, a Serb Doctor Becomes 'Commander Turtle'", Washington Post, 12 September 1992, available in LEXIS, News Library, Curnws File.

591/ Id.

592/ IHRLI Doc. No. 11921.

593/ IHRLI Doc. No. 2894.

594/ IHRLI Doc. No. 29864.

595/ Id.

596/ IHRLI Doc. No. 2886.

597/ IHRLI Doc. No. 34186.

598/ IHRLI Doc. No. 25126.

599/ IHRLI Doc. No. 29843.

600/ But see IHRLI Doc. No. 2842 (describing members of the White Eagles beating Croatian soldiers in the village of Paklenica, 22 November 1992).

601/ IHRLI Doc. No. 5892-5895, 20271, 20277, 20281-20284, 20285-20291, 20317, 20320, and 62864.

602/ IHRLI Doc. No. 20277 and 20285.

Notes (continued)

603/ IHRLI Doc. No. 20281-20284.

604/ IHRLI Doc. No. 20292 (describing that on 19 and 20 July 1992, White Eagles, JNA, Nikšić Special Forces, and local Serbs reportedly shelled the forests from 6:00 p.m. to 5:00 a.m.).

605/ IHRLI Doc. No. 20317.

606/ IHRLI Doc. No. 20285-20291.

607/ Approximately 170 men at Gacko prison were later transferred to Bileća. IHRLI Doc. No. 5892-5895.

608/ IHRLI Doc. No. 20285-20291, 20320.

609/ IHRLI Doc. No. 5892-5895, 20317.

610/ IHRLI Doc. No. 20285-20291.

611/ IHRLI Doc. No. 20317.

612/ IHRLI Doc. No. 11945, 33248-33299.

613/ IHRLI Doc. No. 11945.

614/ Id.

615/ IHRLI Doc. No. 33248-33299, 35683.

616/ White Eagles arrived in Grbavica between 5 and 7 April 1992. IHRLI Doc. No. 33248-33299, 35683. They went to Kremaulusa 5 and 6 May 1992. IHRLI Doc. No. 11922-11923.

617/ IHRLI Doc. No. 62835, 11922-11923.

618/ IHRLI Doc. No. 11922-11923.

619/ IHRLI Doc. No. 29793-29832 (Banja Luka); IHRLI Doc. No. 11662-11663 (Bosanska Krupa); IHRLI Doc. No. 11916 (Novo Brčko); IHRLI Doc. No. 15123 (Lovas).

620/ See IHRLI Doc. No. 63996 for a list of paramilitary formations involved in the attack. The Boltzmann Institute of Human Rights reported many units participating in the attack and naming the units according to the regions where they were formed.

621/ IHRLI Doc. No. 63995.

622/ Id.

623/ IHRLI Doc. No. 90-91.

Notes (continued)

624/ This incident occurred on 5 September 1992. IHRLI Doc. No. 11925, 57034.

625/ IHRLI Doc. No. 56425 (Keraterm camp); IHRLI Doc. No. 56860 (Stara Gradiška camp).

626/ "Croatian Serbs 'Recruit Italian Fighters,'" The Independent, 21 October 1993, at 12.

627/ Id.

628/ IHRLI Doc. No. 62735.

629/ IHRLI Doc. No. 62736.

630/ IHRLI Doc. No. 62736-62737.

631/ For a discussion of the incidents of rape and sexual assault that occurred during the alleged paramilitary activity in this county, see Annex IX, Rape and Sexual Assault, paragraphs 28-34. For a detailed discussion of the prison camps reported in this county, see also Annex VIII, Prison Camps paragraphs 251-436.

632/ All following population and demographic figures are also from the 1991 census.

633/ David B. Ottaway, "Serbs in Bosnia Demand Aid For Allowing Trucks Through; Proposal Poses Moral Problem: Should U.N. Reward Aggression?", The Washington Post, 27 February 1993.

634/ United States Government Submission, IHRLI Doc. No. 62684.

635/ David B. Ottaway, "Serbs in Bosnia Demand Aid For Allowing Trucks Through; Proposal Poses Moral Problem: Should U.N. Reward Aggression?", The Washington Post, 27 February 1993.

636/ Id.

637/ Carol J. Williams, "Buying A Way Out of Terror: A Bosnian City Controlled By Serbs Offers A View of 'Ethnic Cleansing'. Muslims Must Pay For Their Own Deportation. Those Remaining Are Fired and Need Permission To Walk The Streets", The Los Angeles Times, 25 February 1993.

638/ United States Government Submission, at 94-310, IHRLI Doc. No. 62666-62667.

639/ Jonathan C. Randal, "Bosnian Serbs Increase the Pressure on Muslims, Croats in Banja Luka: Demolition of Two Historic Mosques Perpetuates Climate of Fear", The Washington Post, 11 May 1993.

640/ For a discussion of the incidents of rape and sexual assault that occurred during the alleged paramilitary activity in this county, see Annex IX, Rape and Sexual Assault paragraphs 35-36. For a detailed discussion of the prison camps reported in this county, see Annex VIII Prison Camps,

Notes (continued)

paragraphs 437-461.

641/ UNPROFOR Battle Command Kiseljak, Weekly Summary, December 1992, IHRLI Doc. No. 25661-25667, at 25663.

642/ For a discussion of the incidents of rape and sexual assault that occurred during the alleged paramilitary activity in this county, see Annex IX, Rape and Sexual Assault, paragraphs 37-41. For a discussion of the mass graves allegedly located in this county, see Annex X, Mass Graves paragraphs 25-31. For a detailed discussion of the prison camps reported in this county, see Annex VIII, Prison Camps, paragraphs 462-507.

643/ United States Government Submission, Case No. 092051Z, IHRLI Doc. No. 56826-56829, at 56826.

644/ United States Government Submission, Case No. 012114Z, IHRLI Doc. No. 62827-62289, at 62828.

645/ Andrew Bilski, with Louise Branson, "Terror Among the Ruins: War Takes a Heavy Civilian Toll", Maclean's, 4 May 1992. See also "Testimonies on Killing of Civilians Committed by Serbian Forces Outside a Combat Context in Bosnia-Herzegovina", Council of Human Rights and Fundamental Freedoms, Ljubljana Slovenia, September 1992, at IX, IHRLI Doc. No. 5190-5211, at 5201.

646/ Chuck Sudetic, "Serbs Attack Muslim Slavs and Croats in Bosnia", New York Times, 4 April 1992.

647/ Andrew Bilski, with Louise Branson, "Terror Among the Ruins; War Takes a Heavy Civilian Toll", Maclean's, 4 May 1992.

648/ Vladimir Mitrić, "Fighting Reportedly Continues in Bijeljina", Belgrade Radio Belgrade Network, 2 April 1992.

649/ "Karadzic, Izetbegovic To Discuss 'Serbian State'", Zagreb Radio Croatia Network, 3 April 1992.

650/ Andrew Bilski, with Louise Branson, "Terror Among the Ruins; War Takes a Heavy Civilian Toll", Maclean's, 4 May 1992.

651/ "Karadzic, Izetbegovic To Discuss 'Serbian State'", Zagreb Radio Croatia Network, 3 April 1992.

652/ Helsinki Watch, "War Crimes in Bosnia-Herzegovina (1992)", at 62-63, IHRLI Doc. No. 277-647, at 348-49.

653/ Chuck Sudetic, "Serbs Attack Muslim Slavs and Croats in Bosnia", New York Times, 4 April 1992.

654/ James L. Graff, "The Butcher of the Balkans: Sly, Intelligent and Ruthless, Slobodan Milosevic is Acting Out a Fantasy of Power in Yugoslavia that So Far Knows No Bounds", Time, 8 June 1992.

655/ Andrew Bilski, with Louise Branson, "Terror Among the Ruins; War Takes a Heavy Civilian Toll", Maclean's, 4 May 1992.

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656/ Id.

657/ Id.

658/ "Karadzic, Izetbegovic To Discuss 'Serbian State'", Zagreb Radio Croatia Network, 3 April 1992.

659/ Andrew Bilski, with Louise Branson, "Terror Among the Ruins; War Takes a Heavy Civilian Toll", Maclean's, May 4, 1992.

660/ United States Government Submission, Case No. 092051Z, IHRLI Doc. No. 56826-56828, at 56827.

661/ United States Government Submission, Case No. 012114Z, IHRLI Doc. No. 62827-62829, at 62828.

662/ United States Government Submission, Case No. 092051Z, IHRLI Doc. No. 56826-56829, at 56828.

663/ Elizabeth Sullivan, "No Peace Plan Will End the Hatreds", The Plain Dealer, 23 May 1993.

664/ Id.

665/ Laura Silber, "Bosnia Partition Plan Unleashes Expulsion Wave', The Financial Times, 11 October 1993. See also an official source, IHRLI Doc. No. 38300-38331, at 38306-38311.

666/ Yigal Chazan, "Serbs' Ethnic Policies Entering Chilling Phase", Civil Libertarians Maintain, The Ottawa Citizen, 18 October 1993.

667/ Jonathan S. Landay, "Bosnian Serbs Scour Land They Conquered", The Christian Science Monitor, 14 October 1993.

668/ Laura Silber, "Bosnia Partition Plan Unleashes Expulsion Wave", The Financial Times, 11 October 1993.

669/ Yigal Chazan, "Serbs' Ethnic Policies Entering Chilling Phase", Civil Libertarians Maintain, The Ottawa Citizen, 18 October 1993.

670/ Id.

671/ For a detailed discussion of the prison camps reported in this county, see Annex XIII Prison Camps, paragraphs 508-563.

672/ For details of the incident at Bileća, see US State Department, Supplemental U.S. Submission to the U.N. Security Council, 12 April 1993, IHRLI Doc. No. 11925 and US State Department, Submission to the U.N. Committee of Experts, IHRLI Doc. No. 57034.

673/ For a detailed discussion of reported camps in this county, see Annex VIII Prison Camps, paragraphs 588-604.

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674/ Croatian Information Centre, Written Statement, 3 November 1993, IHRLI Doc. No. 11662-11664, at 11663.

675/ United States Government, Eighth Submission, 16 June 1993, IHRLI Doc. No. 23444-23478, at 23476.

676/ For a discussion of the incidents of rape and sexual assault that occurred during the alleged paramilitary activity in this county, see Annex IX, Rape and Sexual Assault, paragraphs 47-60. For a discussion of the mass graves allegedly located in this county, see Annex X, paragraphs 32-34. For a detailed discussion of reported camps in this county, see Annex VIII, Prison Camps, paragraphs 605-628.

677/ US State Department, Submission to U.N. Security Council, IHRLI Doc. No. 62684.

678/ The HVO and the HOS joined under a signed agreement in August 23, 1992. The HOS is referred to as the Croatian Defence Forces. See Milan Vego, "The Croatian Forces of Bosnia and Herzegovina", Jane's Intelligence Review, March 1993, IHRLI Doc. No. 26349.

679/ See the following documents for a summary of HOS activities: Serbian Republic Presidency, To Serbs All Over the World, IHRLI Doc. No. 48122-48127 and Federal Republic of Yugoslavia, Second Report Submitted to the Commission of Experts, 1993, IHRLI Doc. No. 28401-29019, at 28464-28796.

680/ Federal Republic of Yugoslavia, Second Report Submitted to the Commission of Experts, 1993, IHRLI Doc. No. 28401-29019, at 18800-28825 and 28945-29000.

681/ Croatian Information Centre, Weekly Bulletin, No. 4, IHRLI Doc. No. 34962-34966, at 34965.

682/ Milan Vego, "The Croatian Forces of Bosnia and Herzegovina", Jane's Intelligence Review, March 1993, IHRLI Doc. No. 26349A1-26349A63.

683/ For a discussion of the incidents of rape and sexual assault that occurred during the alleged paramilitary activity in this county, see Annex IX, Rape and Sexual Assault, paragraph 64. For a detailed discussion of reported camps in this county, see Annex VIII, Prison Camps, paragraphs 659-693.

684/ Andrija Popović, "MOST for the Destruction of Bosnia-Hercegovina", Slovodna Dalmacija, 26 March 1992.

685/ Id.

686/ Council of Human Rights and Fundamental Freedoms, Testimonies on Killing of Civilians Committed by Serbian Forces Outside a Combat Context in Bosnia-Herzegovina, September 1992, at VII, IHRLI Doc. No. 5190-5211, at 5198.

687/ United States Government Submission, IHRLI Doc. No. 62684.

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688/ For a discussion of the incidents of rape and sexual assault that occurred during the alleged paramilitary activity in this county, see Annex IX, Rape and Sexual Assault, paragraphs 65-66. For a detailed discussion of reported camps in this county, see Annex VIII, Prison Camps, paragraphs 694-710.

689/ Inga Saffron, "Bosnia-Herzegovina Muslims Fleeing Feared Serbian Military Leader", The Miami Herald, 26 April 1992.

690/ World Campaign "Save Humanity", On War Destructions, Violations of Human Rights and Crimes Against Humanity in Bosnia and Herzegovina with Special Review of Suffering of Civilian Population in Concentration Camps and Prisons, 27 July 1992, Witness Number 18, IHRLI Doc. No. 52111-52135, at 52130; Report of Professor Zdravko Grebo, University of Sarajevo submitted to the Special Rapporteur, 19 November 1992, IHRLI Doc. No. 49183-49201, at 49187.

691/ Id.

692/ "Interior Ministry Updates Security Situation", Zagreb Radio Croatia Network, 18 April 1992.

693/ BiH Ministry of Internal Affairs, Report of Crimes Committed Against Humanity and the International Law and Concentration Camps Formed by the Aggressor in Bosnia and Herzegovina, August 1992, IHRLI Doc. No. 3305-3344, at 3309.

694/ World Campaign "Save Humanity", Report on War Destruction, Violation of Human Rights and Crimes Against Humanity in Bosnia and Herzegovina with Special Review of Suffering of Civilian Population in Concentration Camps and Prisons, 27 July 1992, Witness Number 19, IHRLI Doc. No. 52111-52135, at 52128.

695/ World Campaign "Save Humanity", Report on War Destruction, Violation of Human Rights and Crimes Against Humanity in Bosnia and Herzegovina, June 1992, IHRLI Doc. No. 649-679, at 677.

696/ Id.

697/ United States Government Submission, 1993, IHRLI Doc. No. 56320-57229, at 56909.

698/ For a discussion of the incidents of rape and sexual assault that occurred during the alleged paramilitary activity in this county, see Annex IX, Rape and Sexual Assault, paragraphs 67-76. For a discussion of the mass graves allegedly located in this county, see Annex X, paragraphs 49-63. For a detailed discussion of reported camps in this county, see Annex VIII, Prison Camps, paragraphs 711-865.

699/ First Report of the Danish Helsinki Committee, 23 May 1993, IHRLI Doc. No. 20974-20987.

700/ Helsinki Watch Report, War Crimes in Bosnia-Herzegovina (August 1992), IHRLI Doc. No. 277-647, at 418.

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701/ United States Government Submission, Case No. 072306Z, IHRLI Doc. No. 56615-56618.

702/ US Department of State, 1993, IHRLI Doc. No. 34165-34203, at 34186.

703/ United States Government Submission, Case No. 072306Z, IHRLI Doc. No. 56615-56618, at 56616.

704/ Helsinki Watch, War Crimes in Bosnia-Herzegovina, Volume II (April 1993), IHRLI Doc. No. 9279-9720, at 9488-9501. For further discussion of the alleged activities of Arkan's men at Luka Camp, see Staff Report to the Committee on Foreign Relations United States Senate, "The Ethnic Cleansing of Bosnia-Herzegovina", August 1992, at 15, IHRLI Doc. No. 8997-9038, at 9016.

705/ Danish Helsinki Committee First Submission, May 1993, IHRLI Doc. No. 20974-20987.

706/ IHRLI Doc. No. 39139-39141.

707/ Helsinki Watch, War Crimes in Bosnia-Herzegovina 98-99 (August 1992), IHRLI Doc. No. 277-647, at 384-385.

708/ United States Government Submission, Case No. 261827Z, IHRLI Doc. No. 56789-56790, at 56790. See also BiH Government Information Bureau, Daily Report on Aggression and Terrorism Against Republic of Bosnia and Herzegovina, 30 June 1992, IHRLI Doc. No. 30210-30213, at 30213.

709/ United States Government Second Submission, 22 October 1992, IHRLI Doc. No. 112-128, at 117.

710/ Helsinki Watch, War Crimes in Bosnia-Herzegovina, Volume II (April 1992), IHRLI Doc. No. 9279-9720, at 9488-9501.

711/ Danish Helsinki Commission First Submission, May 1993, IHRLI Doc. No. 20974-20978; see also Helsinki Watch, War Crimes in Bosnia-Herzegovina, Volume II (April 1992), IHRLI Doc. No. 9279-9720, at 9488-9501.

712/ United States Submission to the United Nations - Brčko, 28 September 1992, IHRLI Doc. No. 11347-11365, at 11363.

713/ Danish Helsinki Committee, First Submission, May 1993, IHRLI Doc. No. 20974-20987.

714/ Helsinki Watch, War Crimes in Bosnia-Herzegovina, Volume II (April 1992), IHRLI Doc. No. 9279-9720, at 9488-9501.

715/ Id. See United States Government Submission, Case No. 94-222, IHRLI Doc. No. 57050, wherein an ex-prisoner describes an incident in which Arkan's men brought a Croatian into a warehouse and asked the prisoners to kill him. When no one volunteered, Arkan's men forced the Croatian to kneel and shot him in the head.

716/ United States Government, Second Submission, 22 October 1992, IHRLI Doc. No. 112-128, at 117.

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717/ United States Submission to the United Nations - Brcko, 28 September 1992, IHRLI Doc. No. 11347-11365, at 11351-11353.

718/ Id. at 11363.

719/ Michael R. Gordon, "U.S. Says 3,000 May Have Died In Serbian-Run Detention Camps", New York Times, 26 September 1992.

720/ John Goshko, "U.S. Aides Cite 'Eyewitness Accounts' In Mass Killing of Muslims by Serbs", Washington Post, 27 September 1992.

721/ George Rodrigue, "Serb Describes War Atrocities: He Says He Was Forced to Rape, Kill", The Dallas Morning News, 17 December 1992. But see George Eykyn, "Interview with a Captain in the Bosnian Serb Army", BBC Breakfast News, 27 September 1993, wherein the captain states that there were 30-40 of Arkan's men at Luka but he did not think they were involved in the killings.

722/ George Rodrigue, "Serb Describes War Atrocities: He Says He Was Forced to Rape, Kill", The Dallas Morning News, 17 December 1992.

723/ United States Submission to the United Nations - Brčko, 28 September 1992, IHRLI Doc. No. 11347-11365, at 11351-11353.

724/ BiH Ministry of Internal Affairs, Report of Crimes Committed Against Humanity and the International Law and of Concentration Camps Formed by the Aggressor in Bosnia and Herzegovina, August 1992, IHRLI Doc. No. 3305-3344, at 3312.

725/ Amnesty International, Bosnia-Herzegovina, Rape and Sexual Abuse by Armed Forces, January 1993, at 10, IHRLI Doc. No. 5511-5527, at 5523.

726/ Amnesty International, Bosnia-Herzegovina: Rape and Sexual Abuse by Armed Forces, January 1993, IHRLI Doc. No. 5511-5527, at 5523.

727/ Roy Gutman of Newsday, "Serbs' Rape of Muslim Women in Bosnia Seen As Tactic of War", The Houston Chronicle, 23 August 1992.

728/ Salih Brkić, "Sarajevo Radio Updates Fighting", Sarajevo Radio Bosnia-Hercegovina Network, 9 March 1993.

729/ For a detailed discussion of reported camps in this county, see Annex VIII, Prison Camps, paragraphs 902-910.

730/ Peter Maas, "In Bosnia War A Serb Doctor Becomes 'Commander Turtle'," Washington Post, 12 September 1992, available in LEXIS News Library, Curnws File.

731/ Kornjača, which means "turtle" in Serbo-Croatian, claims it is his real name; others say he adopted it as a nom de guerre. Id.

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732/ For a discussion of the incidents of rape and sexual assault during the alleged paramilitary activity in this county, see Annex IX, Rape and Sexual Assault, paragraph 89. For a detailed discussion of reported camps in this county, see Annex VIII, Prison Camps, paragraphs 963-974.

733/ Committee on Foreign Relations, United States Senate, Staff Report: The Ethnic Cleansing of Bosnia-Hercegovina, August 1992, IHRLI Doc. No. 8997-9038, at 9017.

734/ United States Government Submission, IHRLI Doc. No. 62684.

735/ For a discussion of the incidents of rape and sexual assault during the alleged paramilitary activity in this county, see Annex IX, Rape and Sexual Assault, paragraphs 90-100. For a discussion of the mass graves allegedly located in this county, see Annex X, paragraphs 64-67. For a detailed discussion of reported camps in this county, see Annex VIII, Prison Camps, paragraphs 975-1020.

736/ United States Mission, Supplemental United States Submission of Information to the United nations Security Council in Accordance with Paragraph 5 of Resolution 771 (1992) and Paragraph 1 of Resolution 827 (1993), 16 June 1993, at 34, IHRLI Doc. No. 23444-23478, at 23478.

737/ Amnesty International, Bosnia and Herzegovina Gross Abuses of Basic Human Rights, October 1992, IHRLI Doc. No. 3596-3648, at 3620-3621.

738/ Victim Testimonies submitted by Dr. Christina Doctare, World Health Organization, January 1993, IHRLI Doc. No. 39240A-39265A, at 39242A.

739/ United States Mission, Supplemental United States Submission of Information to the United nations Security Council in Accordance with Paragraph 5 of Resolution 771 (1992) and Paragraph 1 of Resolution 827 (1993), 16 June 1993, at 34, IHRLI Doc. No. 23444-23478, at 23478.

740/ Victim Testimonies submitted by Dr. Christina Doctare, World Health Organization, January 1993, IHRLI Doc. No. 39240A-39265A, at 39242A.

741/ United States Mission, Supplemental United States Submission of Information to the United nations Security Council in Accordance with Paragraph 5 of Resolution 771 (1992) and Paragraph 1 of Resolution 827 (1993), 16 June 1993, at 34, IHRLI Doc. No. 23444-23478, at 23478.

742/ For a detailed discussion of reported camps in this county, see Annex VIII, Prison Camps, paragraphs 1021-1034.

743/ Note dated 19 November 1992 from Anne-Marie Thalman, Humanitarian Affairs Officer, Special Procedures Section, Centre for Human Rights, Geneva, Zagreb, Regarding a Report by Zdravko Grebo, IHRLI Doc. No. 49183-49201, at 49197.

744/ United States Government Submission, Case No. 052329Z, IHRLI Doc. No. 56598.

745/ Id.

Notes (continued)

746/ For a discussion of the incidents of rape and sexual assault during the alleged paramilitary activity in this county, see Annex IX, Rape and Sexual Assault, paragraphs 102-125. For a discussion of the mass graves allegedly located in this county, see Annex X paragraphs, 68-78. For a detailed discussion of reported camps in this county, see Annex VIII, Prison Camps, paragraphs 1035-1109.

747/ Peter Maass, "In Bosnia War, A Serb Doctor Becomes 'Commander Turtle'", Washington Post, 12 September 1992. According to this report, Commander Turtle, Duško Kornjača, was the boss of portions of eastern BiH, including Foča and Višegrad as of September 1992.

748/ United States Government Submission, 1993, IHRLI Doc. No. 62612-62877, at 62782-62786.

749/ Croatian Information Centre, SIL-418, IHRLI Doc. No. 4641-4645; Tom Post, "A Pattern of Rape", Newsweek, 4 January 1993, at 34, IHRLI Doc. No. 8551.

750/ "Casualties Continue In Foča Area Fighting", Sarajevo Radio Sarajevo Network, 26 April 1992.

751/ International Peace Centre Statement taken on 8 July 1992, IHRLI Doc. No. 11629-11630, at 11629.

752/ Šemso Tucaković, "Serbian Territorials Attack Bosanski Brod", Sarajevo Radio Sarajevo Network, 28 April 1992.

753/ Id.

754/ United States Government Submission, 1993, IHRLI Doc. No. 62612-62877, at 62782-62786.

755/ United States Government Submission, Case No. 186844Z, IHRLI Doc. No. 57040-57041.

756/ For a discussion of the incidents of rape and sexual assault that occurred during the alleged paramilitary activity in this county, see Annex IX, Rape and Sexual Assault paragraphs 126-127. For a discussion of the mass graves allegedly located in this county, see Annex X paragraphs 79-86. For a detailed discussion of reported camps in this county, see Annex VIII, Prison Camps, paragraphs 1116-1153.

757/ United States Submission, Supplemental Submission of Information to the United Nations Security Council, 12 April 1993, IHRLI Doc. No. 11912-11946 at 11941.

758/ BiH State Commission for Gathering Facts on War Crimes, Bulletin - Facts on War Crimes, Number 2, February 1993, IHRLI Doc. No. 13227-13325 at 13302.

759/ Submission from David Hepburn, European Community Monitoring Mission Liaison Officer, UK Mission, to the Commission of Experts, 29 April 1993, IHRLI Doc. No. 20269-20546 at 20271-20285.

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760/ United States Government Submission, Case No. 061833Z, IHRLI Doc. No. 56610-56612.

761/ Submission from David Hepburn, European Community Monitoring Mission Liaison Officer, UK Mission, to the Commission of Experts, 29 April 1993, IHRLI Doc. No. 20269-20546 at 20271-20285.

762/ United States Government Submission, Case No. 061833Z, IHRLI Doc. No. 56610-56612.

763/ Letter from David Hepburn, European Monitoring Mission Representative, 27 January 1993, IHRLI Doc. No. 5889-5895 at 5890-5892.

764/ Id. at IHRLI Doc. No. 5893-5895.

765/ Id. at IHRLI Doc. No. 5890.

766/ Id. at IHRLI Doc. No. 5893-5895.

767/ United States Mission, Supplemental United States Submission of Information to the United Nations Security Council, 16 June 1993, IHRLI Doc. No. 23444-23478 at 23454-23455.

768/ Letter from David Hepburn, European Community Monitoring Mission Representative, 27 January 1993, IHRLI Doc. No. 5899-5895 at 5893-5895.

769/ United States Mission, Supplemental Submission of Information to the United Nations Security Council, 12 April 1993, IHRLI Doc. No. 11912-11949 at 11941.

770/ Submission from David Hepburn, European Community Monitoring Mission Liaison Officer, UK Mission, to the Commission of Experts, 29 April 1993, IHRLI Doc. No. 20269-20546 at 20271-20285.

771/ For a discussion of the incidents of rape and sexual assault during the alleged paramilitary activity in this county, see Annex IX, Rape and Sexual Assault, paragraphs 128-129. For a detailed discussion of reported camps in this county, see Annex VIII, Prison Camps, paragraphs 1157-1161.

772/ For more on these groups' activities, see BiH State Commission for Gathering Facts on War Crimes, Bulletin, Number 3, March 1993, IHRLI Doc. No. 29841-29884, at 29875 and United States Mission, Supplemental Submission of Information to the Commission of Experts, 12 April 1993, IHRLI Doc. No. 11912-11946 at 11921.

773/ United States Mission, Supplemental Submission of Information to the Commission of Experts, 12 April 1993, IHRLI Doc. No. 11912-11946 at 11921.

774/ Id.

775/ For a discussion of the incidents of rape and sexual assault during the alleged paramilitary activity in this county, see Annex IX, Rape and Sexual Assault, paragraphs 131-132.

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777/ Id.

778/ Id.

779/ "Sarajevo Radio Updates Fighting", Sarajevo Radio Bosnia-Hercegovina Network, 4 February 1993.

780/ For a discussion of the incidents of rape and sexual assault the alleged paramilitary activity in this county, see Annex IX, Rape and Sexual Assault, paragraphs 144-147. For a discussion of the mass graves allegedly located in this county, see Annex X, paragraphs 102-104. For a detailed discussion of reported camps in this county, see Annex VIII, Prison Camps, paragraphs 1259-1335.

781/ BiH State Commission for Gathering Facts on War Crimes, Bulletin, Number 3, March 1993, at 14, IHRLI Doc. No. 29841-29883 at 29856.

782/ Federal Republic of Yugoslavia, Second Report Submitted to the Commission of Experts (1993), IHRLI Doc. No. 28401-29019 at 28777-28788 and 28792.

783/ United States Government Submission, IHRLI Doc. No. 62613, 62629, 62756-62757, at 62756.

784/ Id. at IHRLI Doc. No. 62613.

785/ Id. at IHRLI Doc. No. 62756.

786/ Federal Republic of Yugoslavia, Information on the Aggression of the Republic of Croatia, 27 November 1992, IHRLI Doc. No. 3103-3156 and 5455-5470, at 3129 and 5465.

787/ Mission of the Republic of Croatia, Letter dated October 21, 1993, from the Permanent Representative of Croatia to the United Nations Addressed to the President of the Security Council, U.N. Doc. S/26617 (23 October 1993), IHRLI Doc. No. 45732-45770 at 45763-45764.

788/ Id. at IHRLI Doc. No. 45768.

789/ Id. at IHRLI Doc. No. 45764.

790/ For a discussion of the mass graves allegedly located in this county, see Annex X, paragraphs 112-119.

791/ United States Government Submission, Case No. 251441Z, IHRLI Doc. No. 62681.

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792/ For a discussion of the incidents of rape and sexual assault during the alleged paramilitary activity in this county, see Annex IX, Rape and Sexual Assault, paragraph 153. For a detailed discussion of reported camps in this county, see Annex VIII, Prison Camps, paragraphs 1378-1395.

793/ See Federal Republic of Yugoslavia, Second Report to the Commission of Experts (1993), IHRLI Doc. No. 28401-29019 at 28661.

794/ For a detailed discussion of reported camps in this county, see Annex VIII, Prison Camps, paragraphs 1412-1414.

795/ "Serbian Forces Attack, Destroy Maglaj", Sarajevo Radio Bosnia-Herzegovina Network, 23 May 1993.

796/ For a discussion of the mass graves allegedly located in this county, see Annex X, paragraphs 120-124. For a detailed discussion of reported camps in this county, see Annex VIII, Prison Camps, paragraphs 1415-1425.

797/ United States Government Submission, Case No. 081811Z, IHRLI Doc. No. 56822-56825.

798/ Amnesty Intrnational, Bosnia-Herzegovina, Gross Abuses of Basic Human Rights 19 (October 1992), IHRLI Doc. No. 3596-3648 at 3620.

799/ Id. at IHRLI Doc. No. 3620-3621.

800/ United States Government Submission, IHRLI Doc. No. 62684.

801/ Amnesty International, Bosnia-Herzegovina, Gross Abuses of Basic Human Rights 19 (October 1992), IHRLI Doc. No. 3596-3648 at 3620.

802/ For a discussion of the incidents of rape and sexual assault during the alleged paramilitary activity in this county, see Annex IX, Rape and Sexual Assault, paragraphs 155-167. For a discussion of the mass graves allegedly located in this county, see Annex X, paragraphs 125-144. For a detailed discussion of reported camps in this county, see Annex VIII, Prison Camps, paragraphs 1426-1467.

803/ IHRLI Incident No. 52064.000.

804/ United States Government Submission, Case No. 011707Z, IHRLI Doc. No. 62822.

805/ Id.

806/ Id.

807/ An official source, IHRLI Doc. No. 29751-29770 at 29760.

808/ European Community Monitoring Mission, Report on Possible War Crimes, IHRLI Doc. No. 41151-41170, at 41159.

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810/ For a discussion of the incidents of rape and sexual assault during the alleged paramilitary activity in this county, see Annex IX, Rape and Sexual Assault, paragraph 168. For a detailed discussion of reported camps in this county, see Annex VIII, Prison Camps, paragraphs 1474-1477.

811/ Ermin Kremic, "Serb Plan To Occupy Bosnia 'Leaked Out'", Zagreb Viesnik, 3 April 1992.

812/ See the following documents for a summary of HOS origins and activities: Serbian Republic Presidency, To Serbs All Over the World, IHRLI Doc. No. 48122-48127 and Federal Republic of Yugoslavia, Second Report Submitted to the Commission of Experts (1993), IHRLI Doc. No. 28401-29019, at 28464-28796.

813/ For a discussion of the mass graves allegedly located in this county, see Annex X, paragraphs 150-151. For a detailed discussion of reported camps in this county, see Annex VIII, Prison Camps, paragraphs 1478-1506.

814/ Statement by Croatian Army Chief of Staff Janko Bobetko, "Army Chief Claims Victory in Zadar Fighting", Zagreb HTV Television, 1 February 1993.

815/ Federal Republic of Yugoslavia, Second Report Submitted to the Commission of Experts (1993), IHRLI Doc. No. 28401-29019 at 28800-28812 and 28945-29000.

816/ Inter-Agency Group of the Government of the Federal Republic of Yugoslavia, Violations of Human Rights of Women, 6 February 1993, IHRLI Doc. No. 22196-22226 at 22201-22203.

817/ Unidentified Written Statement, IHRLI Doc. No. 18656.

818/ Federal Republic of Yugoslavia, Second Report Submitted to the Commission of Experts (1993), IHRLI Doc. No. 28401-29019 at 28952-28953.

819/ Id. IHRLI Doc. No. 28401-29019, at 28817.

820/ For a detailed discussion of reported camps in this county, see Annex VIII, Prison Camps, paragraphs 2378-2521.

821/ "Situation in Bosnia-Hercegovina Analyzed", Oslobodjenje, 29 February 1992.

822/ BiH State Commission for War Crimes, Bulletin, Number 3 (March 1993), IHRLI Doc. No. 29841-29884, at 29868-29870.

823/ For a discussion of the incidents of rape and sexual assault during the alleged paramilitary activity in this county, see Annex IX, Rape and Sexual Assault, paragraphs 172-189. For a discussion of the mass graves allegedly located in this county, see Annex X, paragraphs 196-275. For a

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824/ Helsinki Watch, War Crimes in Bosnia-Herzegovina, Volume II 42-49 (April 1993), IHRLI Doc. No. 9279-9720, at 9332-9339.

825/ BiH Submission to the United Nations, IHRLI Doc. No. 6584.

826/ Id.; The Society of Threatened Peoples, Ethnic Cleansing - Genocide for Greater Serbia, IHRLI Doc. No. 14422-14502 at 14482.

827/ Helsinki Watch, War Crimes in Bosnia-Herzegovina, Volume II 51-73 (April 1993), IHRLI Doc. No. 9279-9720, at 9351-9363.

828/ United States Government Submission, Case No. 291546Z, IHRLI Doc. No. 56364-56365.

829/ Id.

830/ Id.

831/ Id.

832/ George Rodrigue, "Serbs Systematic in Ridding Region of Muslims, many say: Bosnia Corridor Considered Crucial to 'Republic'", The Dallas Morning News, 27 December 1992.

833/ Helsinki Watch, War Crimes in Bosnia-Herzegovina, Volume II 61-73 (April 1993), IHRLI Doc. No. 9279-9720, at 9351-9363.

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837/ Id.

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839/ Helsinki Watch, War Crimes in Bosnia-Herzegovina, Volume II 61-73 (April 1993), IHRLI Doc. No. 9279-9720, at 9351-9363.

840/ George Rodrigue, "Serbs Systematic in Ridding Region of Muslims, many say: Bosnia Corridor Considered Crucial to 'Republic'", The Dallas Morning News, 27 December 1992.

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843/ Id.

844/ United States Government Submission, Case No. 051459Z, IHRLI Doc. No. 56804-56805.

845/ Id.

846/ United States Government Submission, Case No. 051905Z, IHRLI Doc. No. 56912.

847/ Id.

848/ All information relating to the activities of the Zoran Karlica at Biščani are from the Croatian Information Centre, Genocide: Ethnic Cleansing in Northwestern Bosnia (Ante Beljo ed., 1993), IHRLI Doc. No. 39889-40025, at 39953.

849/ "Zoka's" description is available, but not disclosed. Id.

850/ The witness does not indicate that the Zoran Karlica members were running either of these camps, just that the prisoners were brought there by them. Id.

851/ All incidents connected with the Rambos are described by the Croatian Information Centre, Genocide: Ethnic Cleansing in Northwestern Bosnia (Ante Beljo ed., 1993), IHRLI Doc. No. 39889-40025, at 39953.

852/ According to US Government documents, there is also a paramilitary commander named Mišo Radulović from Vukovar who led an attack on Kozarac, BiH, 23 May 1992. IHRLI Doc. No. 62693. The report of these men comes from the US State Department,, 1993, IHRLI Doc. No. 56320-57229, at 56883.

853/ US Department of State, 1993, IHRLI Doc. No. 56320-57229, at 56883.

854/ For a discussion of the incidents of rape and sexual assault the alleged paramilitary activity in this county, see Annex IX, Rape and Sexual Assault, paragraphs 190-199. For a discussion of the mass graves allegedly located in this county, see Annex X, paragraphs 276-279. For a detailed discussion of reported camps in this county, see Annex VIII, Prison Camps, paragraphs 2276-2328.

855/ Statement of Berina Hurem, dated 19 August 1992 at Sarajevo.

856/ BiH Ministry of Internal Affairs, Report of Crimes Committed Against Humanity and the International Law and of Concentration Camps Formed by the Aggressor in Bosnia and Herzegovina, August 1992, IHRLI Doc. No. 3305-3344, at 3316.

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859/ Statement of [Witness], dated 19 August 1992 at Sarajevo.

860/ Statement of [Witness], dated 15 August 1992 at Sarajevo.

861/ BiH Ministry of Internal Affairs, Report of Crimes Committed Against Humanity and the International Law and of Concentration Camps Formed by the Aggressor in Bosnia and Herzegovina, August 1992, IHRLI Doc. No. 3305-3344, at 3317.

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863/ BiH State Commission on Gathering Facts on War Crimes, Testimony Number 10/04-55, IHRLI Doc. No. 25225-25234, at 25227.

864/ Transcript of Radio Broadcast, "All Things Considered, U.N. Relief Convoy Attempts Trek to Bosnian Village", National Public Radio, 16 January 1993.

865/ BiH State Commission for Gathering Facts on War Crimes, Bulletin, Number 3, March 1993, IHRLI Doc. No. 29841-29884, at 29866-29867.

866/ Id.

867/ Vladimir Nikolić, "Seselj Calls For Unification of 'Serbian Countries'", Belgrade Radio Belgrade Network, 1 April 1993.

868/ For a detailed discussion of reported camps in this county, see Annex VIII, Prison Camps, paragraphs 2336-2377.

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871/ For a discussion of the incidents of rape and sexual assault during the alleged paramilitary activity in this county, see Annex IX, Rape and Sexual Assault, paragraphs 201-217. For a discussion of the mass graves allegedly located in this county, see Annex X, paragraphs 288-296. For a detailed discussion of reported camps in this county, see Annex VIII, Prison Camps, paragraphs 2378-2521.

872/ Slavko Rako, "Village Barricades Protest Sarajevo Accord", Zagreb Radio Croatia Network, 3 March 1992.

873/ Statement of [Witness], dated 24 July 1992 at Sarajevo.

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877/ "Irregulars From Serbia, Croatia Detailed", HINA Report, 27 April 1992.

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879/ "Serbs Accused of 'Definitive Ethnic Cleansing'", Sarajevo Radio Bosnia-Hercegovina Network, 30 September 1992.

880/ Rijaset Islamske Zajednice, 2 April 1993, IHRLI Doc. No. 9721-9786, at 9761.

881/ New York Times, 28 November 1992, IHRLI Doc. No. 8513-8514.

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885/ George Rodrigue, "Politics of Rape: Brutal, Degrading Act a Powerful Weapon in Violence that Rends Former Yugoslavia", New York Times, 5 May 1993.

886/ "Serbs Try To Conceal Evidence of Vogosca Camp", Sarajevo Radio Bosnia-Hercegovina Network, 10 August 1992.

887/ Statement of [Witness] at Vogošca.

888/ See Republic of Serbia, Letter from the Minister of Foreign Affairs of the Serbian Representative to the U.N. Commission of Experts, 1 December 1992, IHRLI Doc. No. 11521-11643, at 11540.

889/ Id.

890/ Id.

891/ Federal Republic of Yugoslavia, Second Report Submitted to the Commission of Experts, 1993, IHRLI Doc. 28401-29019, at 28661.

892/ Serbian Council of Information Centre, Rape and Sexual Abuse of Serb Women, Men and Children in Areas Controlled by Croatian and Moslem Armed Formations in Bosnia and Herzegovina and Croatia, 1991-1993 (15 January 1993), IHRLI Doc. No. 46196.

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894/ For a discussion of the incidents of rape and sexual assault during the alleged paramilitary activity in this county, see Annex IX, Rape and Sexual Assault, paragraph 22. For a discussion of the mass graves allegedly located in this county, see Annex X, paragraphs 304-305. For a detailed discussion of reported camps in this county, see Annex VIII, Prison Camps, paragraphs 2543-2545.

895/ United States Government Submission, Case No. 042054Z, IHRLI Doc. No. 56909.

896/ BiH State Commission for Gathering Facts on War Crimes, Victim Testimony No. 92/SS, IHRLI Doc. No. 30151-30152; see also BiH State Commission for Gathering Facts on War Crimes, Victim Testimony No. 4/92 SS, IHRLI Doc. No. 30254-30257, at 30256.

897/ For a discussion of the incidents of rape and sexual assault during the alleged paramilitary activity in this county, see Annex IX, Rape and Sexual Assault, paragraphs 224-227. For a detailed discussion of reported camps in this county, see Annex VIII, Prison Camps, paragraphs 2555-2575.

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904/ US Department of State, 1993, IHRLI Doc. No. 62612-62877, at 62620.

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906/ Rade Trbojević, "General Mladic Orders Placement of Missiles", Sarajevo Radio Bosnia-Hercegovina Network, 2 June 1992.

907/ Carol J. Williams, "U.N. Forces in Croatia as Battles Rage: Yugoslavia: Over 1,200 French Troops Arrive. Meanwhile, New Violence Erupts Among Ethnic Rivals in the Former Federation", Los Angeles Times, 5 April 1992.

908/ For a discussion of the incidents of rape and sexual assault during the alleged paramilitary activity in this county, see Annex IX, Rape and Sexual Assault, paragraphs 244-253. For a detailed discussion of reported camps in this county, see Annex VIII, Prison Camps, paragraphs 2658-2717.

909/ Slavko Rako, "Ultimatum Ends in Zvornik: Serb Attack Begins", Zagreb Radio Croatia Network, 9 April 1992.

910/ BiH State Commission for Gathering Facts on War Crimes, Bulletin, Number 1 (October 1992), IHRLI Doc. No. 3041-3099, at 3093.

911/ Id.

912/ United States Mission, Supplemental United States Submission of Information to the United Nations Security Council, 12 April 1993, IHRLI Doc. No. 11912-11946, at 11945-11946.

913/ Division of Information and Research, Ministry of Health of the Republic of Croatia, Testimony SIL-415, IHRLI Doc. No. 4646-4669, at 4650-4658.

914/ Amnesty International, Bosnia-Herzegovina, Rape and Sexual Abuse by Armed Forces 11 (January 1993), IHRLI Doc. No. 5511-5527, at 5524; see also Division of Information and Research, Ministry of Health of the Republic of Croatia, Testimony SIL-419, IHRLI Doc. No. 39543A-39552A, for another account of rape at the hotel Vilina Vlas.

915/ All details pertaining to Momir Savić's group come from BiH, Statement of [Witness], Case File 353/1992 (5 July 1992), IHRLI Doc. No. 34732-34759, at 34734.

916/ Id.

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918/ Save the Humanity, Report on the Violations of Human Rights in the Republic of Bosnia and Herzegovina, Part II 15 (1992), IHRLI Doc. No. 695.

919/ All of the details of Popović activity come from the following report: Zdravko Grebo, Report sent to Tadeusz Mazowiecki, 19 November 1992, IHRLI Doc. No. 49183-49201, at 49192-49193.

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920/ Id.

921/ It is not clear whether this report is the same described in connection with the Popović Group. All details laid out here come from the BiH State Commission for Gathering Facts on War Crimes, Bulletin, Number 3 (March 1993), IHRLI Doc. No. 29841-29884, at 29864.

922/ Zdravko Grebo, Report sent to Tadeusz Mazowiecki, 19 November 1992, IHRLI Doc. No. 49183-49201, at 49192-49193.

923/ Id.

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927/ Id.; Amnesty International, Submission to the Commission of Experts, 16 November 1992, IHRLI Doc. No. 34993.

928/ Amnesty International, Submission to the Commission of Experts, IHRLI Doc. No. 34993.

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931/ Peter Maas, "In Bosnia War, A Serb Doctor Becomes 'Commander Turtle'", Washington Post, 12 September 1992, available in LEXIS News Library, Curnws File.

932/ Id.

933/ BiH Ministry of Interior, Statement of [Witness], Case File 353/1992 (5 July 1992), IHRLI Doc. No. 34732-34759, at 34734.

934/ For a discussion of the incidents of rape and sexual assault during the alleged paramilitary activity in this county, see Annex IX, Rape and Sexual Assault, paragraphs 254-255. For a detailed discussion of reported camps in this county, see Annex VIII, Prison Camps, paragraphs 2733-2744.

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938/ BiH State Commission for Gathering Facts on War Crimes, *Bulletin*, Number 3 (March 1993), IHRLI Doc. No. 29841-29884, at 29869-29870.

939/ Id.

940/ Id.

941/ For a discussion of the incidents of rape and sexual assault during the alleged paramilitary activity in this county, see Annex IX, Rape and Sexual Assault, paragraph 258. For a discussion of the mass graves allegedly located in this county, see Annex X, paragraphs 378-385. For a detailed discussion of reported camps in this county, see Annex VIII, Prison Camps, paragraphs 2808-2840.

942/ Milan Vego, "The Croatian Forces of Bosnia and Herzegovina", *Jane's Intelligence Review*, March 1993, IHRLI Doc. No. 26349A1-2639A63.

943/ Other groups named include the Army of Bosnia and Herzegovina, Third Corps, and Brigade 314. Croatian Information Centre, *Weekly Bulletin*, Number 5 (6 September 1993), IHRLI Doc. No. 35746-35751, at 35750.

944/ For a discussion of the incidents of rape and sexual assault during the alleged paramilitary activity in this county, see Annex IX, Rape and Sexual Assault, paragraphs 259-266. For a discussion of the mass graves allegedly located in this county, see Annex X, paragraphs 386-397. For a detailed discussion of reported camps in this county, see Annex VIII, Prison Camps, paragraphs 2847-2912.

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946/ United States Government Submission, Case No. 311358Z, IHRLI Doc. No. 57024.

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948/ Carol J. Williams, "Ethnic Violence Uproots 10,000 in Bosnia, U.N. Says: Yugoslavia--Women and Children Reportedly Flee for Their Lives: Republic Leader Appeals for International Help", *Los Angeles Times*, 11 April 1992. One report indicates that upon entering the town, Arkan's men went door-to-door asking to see the resident's identification. United States Government Submission, Case No. 071126Z, IHRLI Doc. No. 57030.

949/ *Letter from the Acting Permanent Representative of Austria to the United Nations to Professor Frits Kalshoven, Chairman, United Nations Commission of Experts*, 3 February 1993, IHRLI Doc. No. 5814-5832 at 5819-5824.

950/ United States Government Submission, Case No. 131355Z, IHRLI Doc. No. 56516.

951/ Id.

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953/ "Islamic Community Condemns Zvornik Crimes", Sarajevo Radio Sarajevo Network, 9 April 1993.

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956/ United States Government Submission, Case No. 251439Z, IHRLI Doc. No. 62639-62640; Letter from the Acting Permanent Representative of Austria to the United Nations to Professor Frits Kalshoven, Chairman, United Nations Commission of Experts, 3 February 1993, IHRLI Doc. No. 5814-5832, at 5819-5824.

957/ United States Government Submission, Case No. 090105Z, IHRLI Doc. No. 62859.

958/ United States Government Submission, Case No. 090105Z, IHRLI Doc. No. 62859-62860.

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960/ Austrian Government Submission, 3 February 1993, IHRLI 5814-5832, at 5819-5824.

961/ United States Government Submission, Case No. 251439Z, IHRLI Doc. No. 62639-62640.

962/ Austrian Government Submission, 3 February 1993, IHRLI Doc. No. 5814-5832, at 5819-5824.

963/ See United States Mission, Supplemental United States Submission of Information to the United Nations Security Council [Sixth Submission] 11-12 (1 March 1993), IHRLI Doc. No. 11883-11911, at 11894-11895; Amnesty International, Bosnia-Herzegovina: Gross Abuses of Basic Human Rights (October 1992), IHRLI Doc. No. 707-756, at 745-746; United States Government, First Submission, 22 September 1992, IHRLI Doc. No. 87-96, at 92; United States Government Submission, Case No. RUEAIIA 4250, IHRLI Doc. No. 56256, where it is reported the Arkan's units tortured and killed approximately 1000 Muslims in Zvornik and Mali Zvornik.

964/ United States, Supplemental United States Submission of Information to the United Nations Security Council in Accordance with Paragraph 5 of Resolution 771 (1992) and Paragraph 1 of Resolution 780 (1992) and Paragraph 4 of Resolution 827 (1993) 34 (16 June 1993), IHRLI Doc. No. 23444-23478, at 23478.

965/ "Islamic Community Condemns Zvornik Crimes", Sarajevo Radio Sarajevo Network, 9 April 1993.

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966/ "Serbs Reportedly Killing Zvornik Muslims", Sarajevo Radio Sarajevo Network, 9 April 1992.

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FINAL REPORT OF THE UNITED NATIONS COMMISSION OF EXPERTS
ESTABLISHED PURSUANT TO
SECURITY COUNCIL RESOLUTION 780 (1992)

ANNEX IV
THE POLICY OF ETHNIC CLEANSING

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Summary and Conclusions

I. INTRODUCTION

1. Part I of the following Annex briefly describes the historical antecedents to the current conflict in the former Yugoslavia. Part II describes the development of the policy of "ethnic cleansing" and the early stages of its implementation in Bosnia and Herzegovina (BiH). Part III focuses upon one "ethnic cleansing" campaign in the Bosnian city of Zvornik and describes the military attack on and expulsion of the Muslim population of the city.

2. As used in this report, "ethnic cleansing" means rendering an area ethnically homogenous by using force or intimidation to remove from a given area persons from another ethnic or religious group.

3. All parties involved in the conflict have committed "grave breaches" of the Geneva Conventions and other violations of international humanitarian law. These violations include the killing of civilians, rape torture, and the deliberate destruction of civilian property, including cultural and religious property, such as churches and mosques. But, there are significant qualitative differences. Most of the violations were committed by Serbs against Bosnian Muslims. The second largest group of victims were Croats, whose perpetrators have been Serbs from Serbia, BiH, and the Krajinas. Both Bosnian Muslims and Catholic Croats have also victimized Serbs in BiH and Croatia, but in lesser number. The policy of "ethnic cleansing", however, has been systematically carried out by Serbs in BiH and Croatia against their opponents, though Croats have also carried out similar policies, but on a more restricted scale, against Serbs in Croatia and Muslims in Herzegovina. Forceful population removal by BiH of Serbs has also occurred in some limited areas, but not as a policy. In fact, BiH occupied areas contain both Croats and Serbs, while Bosnian Serb areas have been cleansed of all but Serbs. The Krajinas in Croatia also have been cleansed of Croats, while eastern and western Slavonia (Croatia) have been cleansed of Serbs.

4. Croatian forces in the Republic of Croatia and BiH have engaged in "ethnic cleansing" practices against Serbs and Muslims. Croats, for example, have conducted "ethnic cleansing" campaigns against Serbs in eastern and western Slavonia and in parts of the Krajina region, as well as against Muslims in the Mostar area. While Bosnian Muslim forces have engaged in practices that constitute "grave breaches" of the Geneva Conventions and other violations of international humanitarian law, they have not engaged in "ethnic cleansing" operations. The vast majority of reports alleging "ethnic cleansing" operations involved Serbian forces who have used means, such as the mass killing of civilians, torture, sexual assault, the bombardment of cities, the destruction of mosques and churches, and other practices to eliminate Muslim and Croat populations that lie within Serb-claimed territory.

5. "Ethnic cleansing" by Serb forces has been systematic and apparently well-planned. As early as mid-1990, the Yugoslav Army (JNA) began to arm and supply local Serb forces in BiH. The "ethnic cleansing" campaigns in the early stages of the conflict involved coordinated attacks by JNA and paramilitary forces that sometimes operated from the Republic of Serbia. As the war and "ethnic cleansing" continued, the Federal Republic of Yugoslavia (FRY) persisted in supplying logistical support, arms, fuel, and other supplies to Serb forces in Croatia and BiH. "Ethnic cleansing" has involved means, such as the mass killing of civilians, sexual assault, the bombardment of cities, the destruction of mosques and churches, the confiscation of property and similar measures to eliminate, or dramatically reduce, Muslim and Croat populations that lie within Serb held territory.

6. According to the Special Rapporteur of the UN Commission on Human Rights, by late 1993, over 2.1 million people had been displaced from their homes since the conflict in the BiH region. 1/

II. EARLY HISTORY

7. The Slavic people migrated from the caucuses to the Balkan peninsula between the Sixth and the Eighth Century. Between the Ninth and Twelfth Century, Croats, Bosnians, and Serbs developed distinct historical and cultural identities.

8. The division of the Christian Church in 1054 reinforced the fault line that earlier divided the Roman Empire. 2/ On the eastern side of the line lie the cultural heritage of the Greek world, the Eastern Orthodox Church and users of the Cyrillic script. On the western side lie the Roman Catholic Church.

9. In the 17th Century the Ottoman Turks encroached on the Balkan peninsula and defeated Serb, Bosnian, and Albanian forces at the Battle of Kosovo Polje (Field of Blackbirds) in June 1389. The event was to become of particular historical significance to the Serbs and is commemorated as the symbolic end to the independent Serbian medieval kingdom. 3/

10. Members of the Bosnian Church, which was distinct from the Roman Catholic and Eastern Orthodox Churches, converted to Islam during this period. These conversions were in part due to the promise of better conditions by Turkish rulers.

11. In the 17th Century, the Ottoman and Hapsburg empires clashed and the Treaty of Karlowitz transferred some Ottoman lands to Christian powers in 1699. The entry of the European powers into the region further accentuated the divisions that had occurred earlier. Croats and Slovenes were firmly part of the west, embracing Catholicism and looking towards the western powers for leadership. The Serbs and Bosnians remained within the Ottoman Empire. For the Serbs, Russia became a growing influence, and as Ottoman power in the region waned Russia assumed the rule of protector of all Orthodox Christians in the Balkans.

12. Independence movements appeared in Serbia in the early 19th Century and by 1830, Serbia had achieved autonomous status within the Ottoman Empire. Strong nationalist sentiments continued to grow throughout the Nineteenth Century. Serbs increasingly viewed their mission as one of liberating and unifying the lands in which Serbs lived. It was during this period that the idea of a "Greater Serbia" first emerged.

III. THE BALKAN WARS AND THE WORLD WARS

13. Two Balkan wars were fought in 1912 and 1913, finally freeing the peninsula from Ottoman control. 4/ Serbia made territorial gains by absorbing Kosovo and part of Macedonia. However, Serbia did not achieve its objective of uniting with Serbian regions of the Hapsburg Empire, including sections of Bosnia-Herzegovina, Croatia, and Vojvodina. 5/ The two Balkan wars experienced ethnic conflict on a massive scale. The worst atrocities appear to have been related to efforts to unite the peninsula's Serbian population. In 1914, an International Commission found:

> "[h]ouses and whole villages reduced to ashes, unarmed and innocent populations massacred en masse, incredible acts of violence, pillage and

> brutality of every kind--such were the means which were employed by the Serbo-Montenegrin soldiery, with a view to the entire transformation of the ethnic character of [these] regions." 6/

14. Serb nationalists, incensed by the Hapsburg annexations of Bosnia-Herzegovina in 1908, assassinated Archduke Franz Ferdinand in 1914. The event, on the anniversary of the Battle of Kosovo, sparked the first World War.

15. Following the First World War, unity was finally achieved when King Alexander of Serbia proclaimed the Kingdom of Serbs, Croats and Slovenes. The new state, however, was plagued by ethnic conflict from its inception. Croats, fearing Serbian domination, sought greater self-government within a looser confederation. It was during this period that the Croatian Ustaša (Uprising) movement was born. Its goal was Croatian independence, through violence if necessary.

16. Yugoslavia surrendered to the Axis powers in 1941, leading to German and Italian occupation of the country. In Serbia, the Germans installed a regime headed by Serbian General Milan Nedić. During the war, the Croatian leadership launched a campaign of annihilation against its Serbian population. Some Muslims joined the Croats' efforts against the Serbs, though many have fought alongside the Ustaše regime and against the Germans and the Italians. Pavelić sought to create an ethnically and religiously homogenous state. The Serbs of Croatia were faced with the alternatives of extermination, expulsion, or conversion to Catholicism. Serb officials maintain that a system of death camps, covering 210 square miles, ran along the Sava River. It has been estimated that between 350,000 and 750,000 Serbs were killed during this period.

17. In October 1944, Tito's partisans, with Soviet assistance, took Belgrade and a communist regime was established. A federal system was constructed, consisting of six Republics: Serbia, Croatia, Slovenia, Bosnia-Herzegovina, Macedonia and Montenegro. Serbia included two autonomous provinces, each containing a high concentration of an ethnic minority: Kosovo and Vojvodina. Ethnic tensions persisted in the post war years. Tito, however, effectively repressed ethnic and nationalist movements, such as the Croatian reformist movement of the early 1970s.

IV. PRELUDE TO THE BREAKUP

18. After Tito's death in 1980, a resurgent Serbian nationalism was led by Slobodan Milošević. To achieve, and later to consolidate his power, Milošević organized massive demonstrations in support of Serbs living in the province of Kosovo, which had a predominantly ethnic Albanian population. When disturbances broke out in Kosovo in 1989, Milošević imposed martial law.

19. Within the Republic of Serbia, the tenor of political life became increasingly strident. Faced with a disintegrating nation-state, Milošević denounced his domestic political opponents as "enemies of Serbia". 7/ His opponents in the other Republics were compared to vampires and fascists. 8/

20. In February 1989, the Serbian Republican Assembly amended its constitution and revoked the autonomous status of Kosovo and Vojvodina. This display of Serbian nationalism, coupled with the use of force in Kosovo, generated apprehension within the other Republics. The resulting tension between the six Republics led to the breakup of the League of Communists in early 1990. In January of that year Slovenian delegates to the Extraordinary Congress of the League of Communists demanded an end to the Communist party's

"leading role" and the establishment of a multi-party state. Clashing with the Serbian delegates, the Slovenians walked out of the Congress.

V. THE CURRENT CONFLICT

21. The present conflict emerged in early 1990 when Serbia and three of the other five republics failed to reach an agreement concerning the structure of the federal government. The Republics of Slovenia, Croatia and Bosnia and Herzegovina (BiH) sought a loose confederation in order to exercise greater autonomy. Serbia, on the other hand, wanted a more centralized federation in order to maintain its dominant role. This conflict resulted in efforts by Croatia, Slovenia, and later BiH and Macedonia, to secede from Yugoslavia.

22. Slovenia and Croatia declared their independence on 25 June 1991, Two days later, the Yugoslav Peoples Army (JNA) attacked the provisional militia. The war in Slovenia lasted only ten days, but it soon spread to Croatia , where the conflict would be more protracted and bloodier.

23. In response to the Croatian vote for independence, Serbs living in Croatia's Krajina region established a Serbian National Council and scheduled an August referendum on their secession from Croatia. Breakaway republics were also established by the Serbs in BiH. These breakaway republics received small arms, artillery, missile launching systems and other support from their supporters in Serbia. In addition, Croats living in BiH established the Croatian Republic of Herzeg-Bosna, and they received arms and other assistance from supporters in Croatia. 9/

24. The JNA, according to numerous reports, was involved in the conflict in Croatia from its inception. When the Serbs of Croatia's Krajina region declared their independence, there was a massive transfer of heavy weapons from the JNA to Serb paramilitary forces. In addition, there was an influx of supplies from Serbia itself. Serb paramilitary units operating in Croatia have worn federal army uniforms and used JNA topographical maps. They also were able to obtain a large number of sophisticated weapons and vehicles. 10/

25. Coordination between the JNA and local Serb forces was apparent in the destruction of Vukovar in 1991. A mass grave found at Ovcara is thought to contain the remains of at least 200 Croats who had been taken from a Vukovar hospital, summarily executed, and buried in a shallow grave.

26. In April 1992, when the conflict in BiH broke out, the JNA had approximately 80,000 troops deployed there. In early May, General Ratko Mladić was appointed JNA commander. Under pressure from the international community, on 19 May 1992, the FRY announced that it was withdrawing its forces. However, Yugoslav officials said that JNA personnel from BiH could remain there and fight on behalf of the Bosnian Serbs (see Annex III, Military Structure).

27. In the weeks following BiH's recognition by the European Community, JNA and Bosnian Serb forces attacked Bosnian towns such as Prijedor and other villages in the Kozarac region of northeast BiH, and Zvornik in northwest BiH. Similar attacks have occurred in many cities and villages along the Drina and Sava Rivers. These areas of BiH have high concentrations of Bosnian Serbs. The purpose of the attacks seems clear: Serb forces have sought to consolidate their control over these territories and link them with each other, as well as with Serb-controlled areas of Croatia.

VI. THE "ETHNIC CLEANSING" CAMPAIGN IN BiH

28. Although "ethnic cleansing" occurred to some extent in the conflict in Croatia, it was in BiH that a distinct pattern of "ethnic cleansing" could be discerned. First, Bosnian Serb paramilitary forces, often with the assistance of the JNA, seize control of the area. In many cases, Serbian residents are told to leave the area before the violence begins. The homes of non-Serb residents are targeted for destruction and cultural and religious monuments, especially churches and mosques, are destroyed. Second, the area falls under the control of paramilitary forces who terrorize the non-Serb residents with random killings, rapes and looting. Third, the seized area is administered by local Serb authorities, often in conjunction with paramilitary groups. During this phase, non-Serb residents are detained, beaten and sometimes transferred to prison camps where further abuse, including mass killings, have occurred. Non-Serb residents are often fired from their jobs and their property is confiscated. Many have been forced to sign documents relinquishing their rights to their homes before being deported to other areas of the country.

29. According to one military expert of Jane's Information Group:

> "[the Commander of the Bosnian Serb military forces] has a clear military aim: the consolidation of Serb-held territory of Bosnia; the eradication of Muslim enclaves within them, such as Goražde, and the severance of any possible military link between Muslims in Bosnia and those in the Sanzak area of Serbia." 11/

30. The policy of "ethnic cleansing" has been implemented consistently throughout an area incorporating an arc that ranges from north-eastern BiH through the regions of eastern and western BiH, adjacent to the Serb Krajina area of Croatia.

31. The Serbs "ethnic cleansing" campaign was shaped by several factors. First, the demographics of the region ensured that any attempt to establish "ethnically pure" areas would entail tremendous dislocations. In BiH, the pre-war population was approximately 40 per cent Muslim, 32 per cent Serb, and 18 per cent Croat. 12/ The areas of Serb preponderance are primarily located in the north-east, south-east and north-west portions of the country. However, these areas are neither homogenous nor contiguous. The areas in which Serbs are numerically dominant include substantial populations of Muslims and Croats.

32. Populations can be removed, even forcibly removed, without extreme bloodshed. Ethnic minorities could have been ejected from their homes, gathered at a central locations, and transported to another region. This, however, would have required a strong and well-organized regular army. The Bosnian Serb Army was neither numerically strong enough, nor sufficiently well-organized, especially in the first stages of the conflict in BiH, to accomplish this task. Thus, Serb officials relied on the use of terror, entailing mass killings, torture, rapes, and prison camps to eradicate the non-Serb population. The non-Serbs had to be sufficiently terrorized to ensure that they would flee the area and never return.

33. The character of "ethnic cleansing" was partly determined by its reliance on local officials and paramilitary leadership. Local officials relied on police and militia to help expel non-Serbs from Serb-controlled land, and these forces were often ill-equipped and untrained. The use of terror was their most efficient weapon. Police and local militia were frequently supplemented by paramilitaries. These groups often operated outside any discernable centralized command and control structure. Paramilitaries were often recruited from a population of rural, uneducated

youth. Sometimes a deliberate effort was made to recruit those with criminal backgrounds. The apparent lack of control over paramilitaries conveyed the message that the most brutal acts would be permitted, or at least they would go unpunished.

34. The fragmentation of authority has provided FRY and Bosnian Serb officials with "plausible deniability". If ties between paramilitaries and officials are obscured, government officials might be able to evade responsibility for "ethnic cleansing". Thus, even after the JNA became better organized and able to assert greater control in 1993, it did not establish effective command and control over the paramilitaries.

35. While regular military units, militia, police and local citizens have all participated in "ethnic cleansing" campaigns. Paramilitary units are responsible for some of the most brutal aspects of "ethnic cleansing." Two of the units that have played a major role in the "ethnic cleansing" campaign in BiH, the "Četniks" associated with Vojislav Šešelj and the "Tigers" associated with Željko Ražnjatović (Arkan), have been active in the Republic of Serbia as well. Šešelj's followers have reportedly waged "ethnic cleansing" campaigns against ethnic minorities in Serbia's provinces of Vojvodina and Kosovo. Arkan's "Tigers" have staged military training exercises allegedly designed to intimidate Albanian residents in Kosovo.

36. These paramilitary units have launched operations from within the Republic of Serbia. In addition, paramilitary training camps are located within the Republic of Serbia.

VII. THE ATTACK ON ZVORNIK 13/

37. The attack on Zvornik, in north-eastern BiH, reveals a similar pattern of events that was repeated throughout much of the area. In the weeks prior to the attack (which occurred on 8 April 1992), tensions between ethnic groups in the city had increased. Members of each ethnic group had obtained weapons for their personal use. Muslims were warned by their Serb friends that they should leave the area. Prior to 8 April, many Serbs left Zvornik, apparently having been forewarned of the impending attack. On the weekend before the attack, Serbs constructed a barricade, preventing many Muslims from reaching their work site or school. In retaliation, Muslims also erected a barricade at the same location. It was protected by Muslim police officers and armed volunteers.

38. On the day before the attack, JNA troops moved into the region. On television, a Belgrade commentator reported that the JNA was needed in the region because they expected an attack by Muslim extremists.

39. On 8 April, Serb representatives of the Serbian Democratic Party (SDS), as well as the paramilitary leader known as "Arkan," called for the Muslims to peacefully surrender the city. Negotiations proceeded in which the division of the city into Muslim and Serb enclaves was discussed. The negotiations broke down, however, apparently because Arkan was dissatisfied with the result.

40. After the failure to reach an agreement, the attack on the town began. The JNA, using tanks, artillery and infantry units, was joined by Arkan's paramilitary troops, sometimes known as "Arkanovci." There was heavy shelling of the Muslim sections of the city.

41. The next day Arkan's troops, along with paramilitary units known as "Šešeljovci" and the Beli Orlovi (White Eagles), entered the city. Serb

territorial defense units (TOs) also participated. It was reported that these troops committed random executions and rapes after entering Zvornik.

42. The next day, a provisional government was established that was headed by local Serbs, primarily members of SDS. A curfew was imposed, and residents had to obtain a police permit to travel within the city. Several Muslims who went to the police station to obtain a permit were taken into custody and deported to an outlying prison camp. Except for indispensable personnel such as hospital employees, Muslim men were prevented from working. During the following days, paramilitary units continued to patrol the streets, and there were many reports of looting, rape and other acts of brutality.

43. In late April, an appeal was made to Muslims to return to the area from which they had fled. Many returned because they feared losing their property. On arriving in Zvornik, Muslims were told that they must register their property. An "agency for the exchange of houses" was established. In exchange for relinquishing their homes, Muslims were promised the former homes of Serbs in Tuzla. Departure from the town was only possible on the condition that their property was turned over to Serb authorities. From late May to early June 1992, the entire Muslim populations of villages in the surrounding area were deported. The expelled Muslims were allowed to take few personal possessions with them. Even these items were often stolen at Serb check-points on the roads leaving the area.

44. According to an account in Vreme, the "cleansing" was followed by organized looting. "Some stole gold, hard currencies, household appliances or cars. Others robbed department stores. Electricity plugs were torn out of the walls and children's toys were sold and bought. Even entire bedroom suites could be seen floating down the river". 14/

Part One

I. INTRODUCTION

45. This overview is designed to place the current conflict in the former Yugoslavia in a historical perspective. Many of the issues discussed in the following sections of this report, such as those dealing with "ethnic cleansing" and military structure, have historical antecedents (see Annex III, Military Structure). Ethnic rivalries and the fear of Serbian hegemony in the region, for example, have deep historical roots. Events which occurred during World War II that led to a large number of brutal killings and expulsions of Serbs from Croatia are also relevant to contemporary events. However, an appreciation of the tumultuous history of the Balkan peninsula can help understand the perspectives of the parties involved in the current war.

46. Mindful of the different historical perspectives, what follows is as objective an account that can be made of the conflict's historical background. It is only intended to provide background and context to the extent that it is relevant to the purposes of this Annex. No judgments are made regarding the positions or historical claims of the warring factions.

II. EARLY HISTORY

47. Early in the First Century A.D., the Dalmatian Coast was annexed by the Roman emperor, Tiberius. The Roman domain gradually moved inland, encompassing the land that would become Yugoslavia. The Romans called this domain Illyria, named after the region's inhabitants.

48. The Roman empire was divided into eastern and western districts during the reign of Diocletian (284-305). This boundary became one of the region's major fault lines. On the eastern side of the line lie the cultural heritage of the Greek world, the Eastern Orthodox Church, and users of Cyrillic script; on the western side, lie the cultural heritage of the Roman world, the Catholic Church, and users of the Latin alphabet.

49. The Slavic peoples migrated to the area from the Caucuses between the Sixth and Eighth Centuries. By the end of the Eighth Century, most of the area of the former Yugoslavia south of the Sava-Danube line was colonized by the Slavs, whose influence expanded into Albania and Greece. 15/

50. Throughout the Ninth Century, the Roman Catholic Church and the Eastern Orthodox Church struggled to gain adherents among the Slavs. In 803 A.D., the Croats accepted the suzerainty of the Holy Roman Emperor, Charlemagne. The Serbs and the Macedonians adopted the Christian faith in the mid-Ninth Century. In 891, the Serbs were placed under the jurisdiction of Byzantium and ruled by the Župan (ruling prince) of Raška, a Serbian principality.

51. In the 10th Century, King Tomislav founded the kingdom of Croatia. By the early 12th Century, Croatian nobles had relinquished power to the King of Hungary. This transfer of power began a relationship with Hungary which was to last for centuries.

52. In the late 12th Century, a Bosnian state emerged, led by Kulin Ban, who rejected Christianity and embraced the Bogomil heresy instead. 16/ Other new converts were principally Slavic Serbs. Most of the Slavs who were to convert to the Islamic religion in the 15th Century had belonged to the Bogomil sect, rather than the Catholic or Eastern Orthodox faiths.

III. THE OTTOMAN AND HAPSBURG EMPIRES

53. In 1389, the Ottoman Turks defeated Serbian forces at the battle of Kosovo Polje (Kosovo Field). By the end of the 15th Century, the Ottoman Empire had gained control over much of the peninsula. Ottoman rulers granted a considerable degree of self-government through churches and other local institutions. Nevertheless, persons who retained their religious identity were not considered equals, and by converting to Islam a local inhabitant could enter a privileged section of society. 17/

54. In the 16th Century, continuous Turkish encroachment on the borders of Croatia and Slavonia led the Hapsburgs to establish a southern border region, called the Military Frontier. The Frontier was to act as a bulwark against the Ottoman empire. The Frontier, however, was sparsely settled. To establish an effective line of defence, the Hapsburgs resettled the area with Orthodox Serbs. 18/

55. The Treaty of Karlowitz transferred some Ottoman lands to the Christian powers in 1699. The Hapsburg Empire acquired Croatia, Slavonia and other Balkan territories. 19/ Despite the repeated battles that were to take place during the 18th Century between the Ottomans and the European powers, relatively little territory changed hands on a long-term basis during this period.

56. The entry of the major European powers into the Balkans adumbrated the conflicts that were to recur, and the alliances that would persist, for centuries. The Catholic Slovenes and Croats would look to the west, influenced by centuries of close contact with Austria, Hungary and Italy. The Orthodox Serbs, on the other hand, would look east towards Russia.

57. In the early 19th Century, a Serbian Rebellion against the Ottomans was crushed. However, in 1815, another insurrection led to substantial concessions. By 1830, Serbia had achieved an autonomous status within the Ottoman Empire. 20/ It was during this time that the Serbs forged close ties to Russia. Russia shared the Serb's desire to expel the Turks from the region. As the seat of the Orthodox Church, the Russians also shared a common religious background with the Serbs.

58. In 1867, the Hapsburg Empire split into two parts: one ruled by Austria from its capital in Vienna, the other ruled by Hungary from Budapest. Austria assumed control over Dalmatia, Bukovina and the Slovene lands, while Hungary ruled Croatia, Slavonia and Vojvodina. 21/ The Balkan peninsula was refigured again in 1878 by the Congress of Berlin. This accord permitted Austria-Hungary to administer Bosnia-Herzegovina, although the Ottoman Empire officially retained sovereignty over that region. In addition, Serbia and Montenegro became independent states. 22/

59. Throughout this period, Serbian nationalists viewed their mission as one of liberating and unifying the lands in which Serbs lived. According to the historian Barbara Jelavich,

> "[t]heir [the Serbian nationalists'] major objective throughout the nineteenth century had been the unification of the lands they regarded as Serbian, including Bosnia-Hercegovina, Old Serbia, Macedonia and the Serbian-inhabited lands of the Habsburg Empire." 23/

IV. THE BALKAN WARS AND THE WORLD WARS

60. In June 1903, Serbian King Alexander Obrenović and his wife Draga were assassinated by military officers. In an event that reverberated throughout Europe, the assassins threw the king and queen's mutilated bodies out of a palace window. The officers involved became members of the terrorist groups that were created in the following years.

61. Intense Serbian nationalist sentiment led to the formation of secret societies. These societies--using distinctive symbols, flags, oaths and ceremonies--flourished at the end of the 19th century and in the early 1900s. In 1908, for example, the Narodna Odbrana (National Defence) was founded. It established a network of agents throughout South Slav lands. 24/ Another organization, Vjedinjenje ili Smrt (Union or Death), commonly called the Black Hand, appeared in 1911. 25/ The Black Hand was headed by Colonel Dragutin Dimitrijević (a.k.a. Apis) who had participated in the assassination of King Alexander and his wife.

62. Two Balkan wars were fought in 1912 and 1913, finally freeing the peninsula from Ottoman control. 26/ Serbia made territorial gains by absorbing Kosovo and part of Macedonia. However, Serbia did not achieve its objective of uniting with Serbian regions of the Hapsburg Empire, including sections of Bosnia-Herzegovina, Croatia, and Vojvodina. 27/ The two Balkan wars experienced ethnic conflict on a massive scale. The worst atrocities appear to have been related to efforts to unite the peninsula's Serbian population. In 1914, an International Commission found:

> "[h]ouses and whole villages reduced to ashes, unarmed and innocent populations massacred en masse, incredible acts of violence, pillage and brutality of every kind--such were the means which were employed by the Serbo-Montenegrin soldiery, with a view to the entire transformation of the ethnic character of [these] regions." 28/

63. Serbian nationalists were incensed by the Hapsburg's annexations of Bosnia-Herzegovina in 1908. It was this Pan-Serbian sentiment that led to the 1914 assassination of Austria-Hungary's Archduke Franz Ferdinand by Gavrilo Princip, a Bosnian Serb. The event sparked the First World War. 29/ The Archduke, who was the heir to the Hapsburg throne, and his wife were killed on 28 June, the anniversary of the Battle of Kosovo.

64. Following the First World War, unity was finally achieved when King Alexander of Serbia proclaimed the Kingdom of Serbs, Croats and Slovenes. The new state, however, was plagued by ethnic conflict from its inception. Croats, fearing Serbian domination, sought greater self-government within a looser confederation. It was during this period that the Croatian Ustaša (Uprising) movement was born. It was created by Ante Pavelić in 1929, with the support of Italian dictator Benito Mussolini. Its goal was Croatian independence, through violence if necessary. 30/ During these inter-war years, hundreds of thousands of Bosnian Muslims, also fearful of Serbian hegemony, fled to Turkey. 31/

65. In 1929, King Alexander attempted to deal with rising internal conflicts by suspending the constitution, declaring a dictatorship and changing the country's name to the Kingdom of Yugoslavia. These actions, however, further alienated the nation's non-Serbs and, in 1934, King Alexander was assassinated by Macedonian terrorists. 32/

66. Yugoslavia surrendered to the Axis powers in 1941, leading to German and Italian occupation of the country. In Serbia, the Germans installed a regime headed by Serbian General Milan Nedić. In Croatia, an independent state, Nezavisna Država Hrvatska (NDH), was established which included Bosnia-Herzegovina. 33/ There were more than two million Serbs living within NDH, approximately one third of the entire population. Despite its status as an independent state, Croatia was split into two spheres, the dividing line running north to south. Italy controlled the western section, adjacent to the Adriatic. The German military command was assigned to Zagreb, to the east. 34/ Mussolini, however, was permitted to determine who would be the head of state. He selected Ante Pavelić, the Ustaša leader. 35/

67. During the war, the Croatian leadership launched a campaign of annihilation against its Serbian population. 36/ Some Muslims joined the Croats' efforts against the Serbs. 37/ Pavelić sought to create an ethnically and religiously homogenous state. The Serbs of Croatia were faced with the alternatives of extermination, expulsion, or conversion to Catholicism. Serb officials maintain that a system of death camps, covering 210 square miles, ran along the Sava River. It has been estimated that between 350,000 and 750,000 Serbs were killed during this period. 38/

68. Resistance to the Axis powers came from the Četniks, who tended to be anti-Croat and anti-Communist, 39/ and from communist partisan forces, led by Josip Broz Tito. Tito also served as general secretary of the Yugoslav Communist Party. At first, the Četniks, who were loyal to King Peter's London-based government-in-exile, worked with the partisans to resist the Axis powers. However, serious disagreements over resistance strategy and over Yugoslavia's post-war future soon became apparent. The two groups struggled, each seeking a more favourable position in the emerging post war period. To enhance their position, the Četniks began collaborating with the Axis occupation forces. 40/ When this collaboration became apparent to the British, the allies developed closer ties with Tito's partisan forces. 41/

V. THE SOCIALIST FEDERAL REPUBLIC OF YUGOSLAVIA

69. In October 1944, Tito's partisans, with Soviet assistance, took Belgrade and a communist regime was established. 42/ A federal system was constructed, consisting of six Republics: Serbia, Croatia, Slovenia, Bosnia-Herzegovina, Macedonia and Montenegro. Serbia included two autonomous provinces, each containing a high concentration of an ethnic minority: Kosovo and Vojvodina. The communist party and Leninist ideology were centripetal forces. The Socialist Republic successfully established a federation of ethnic communities, each with its own territorial base. 43/ Although each Republic generally maintained its ethnic identity, the prewar boundaries of the Republics were altered in the peace negotiations that followed the Second World War. Changes also were made by the Tito regime in the following years.

70. Ethnic tensions persisted in the post war years. Tito, however, effectively repressed ethnic and nationalist movements, such as the Croatian reformist movement of the early 1970s. 44/ In the late 1960s, for instance, tensions between Croats and Serbs increased when the Republic of Croatia demanded that the Serbian and Croatian languages be recognized as separate languages, with Croatian being used in the schools. Serbs countered with the demand that the 700,000 Serbs living in Croatia be given reciprocal rights. 45/ The most significant Croatian grievances, however, were economic. Croats complained that the most prosperous enterprises, including the nation's largest banks and insurance companies, were located in Belgrade. Croatian officials also complained that the Republic did not receive its fair share of foreign currency. This was especially troubling, they argued, because a large proportion of that foreign currency was earned by the tourist industry on the Dalmatian coast. Furthermore, most of Yugoslavia's foreign trade went through Croatian ports. 46/

71. The movement had begun with demands for greater decentralization and autonomy. By the end of 1971, however, the demands had escalated. Croatian nationalists called for self-determination and the right to secede. 47/ When Croatian officials failed to respond to Tito's warnings, he intervened. As a result, 400 Croatian nationalist leaders were dismissed or resigned from their official positions. 48/

72. In the late 1960s, problems also erupted in the Kosovo district of Serbia. Although the area's population is overwhelmingly ethnic Albanian, Serbs had a disproportionate number of top state and party positions. Serbian officials also controlled the local police and security forces. Allegations of Serbian abuses of the Albanian population led to riots in 1968. In response, the districts of Kosovo and Vojvodina, an area with a large Hungarian population, were given greater autonomy. Kosovo was granted the use of its own flag and anthem. The Albanian language was also permitted greater use in education and local administration. 49/

73. Political repression in Yugoslavia, however, was relatively benign compared to its eastern European neighbours. Yugoslavs, for example, could travel fairly freely, visas were granted to foreign visitors or were not required at all, and foreign books, periodicals and newspapers were available. 50/ In the 1950s and 1960s, the economy was liberalized and laws were passed eliminating state control over most investments. It was the loosening of these political and economic bonds, however, that fueled nationalist or ethnic sentiments. 51/

VI. PRELUDE TO THE BREAKUP

74. After Tito's death in 1980, the power of Yugoslavia's central government rapidly diminished. Public corruption scandals and the collapse of the Soviet Union impeded the government's ability to deal with its mounting problems. 52/ In 1981, Albanian demonstrations broke out in Kosovo. The disturbances were suppressed by the Yugoslav military, but they led to allegations that ethnic Albanians had committed atrocities against the district's minority Serb population. 53/

75. A resurgent Serbian nationalism, led by Slobodan Milošević, fueled Yugoslavia's crisis. 54/ Milošević, who had become President of the League of Communists of Serbia in 1986, fanned the fires of Serbian nationalism, which he had opposed earlier in his career. He proceeded to establish himself as a strongman ruler, gradually eliminated democratic opposition, and prepared for the eventual conflict and break-up of the federation. 55/ By the late 1980s, however, he was expressing sympathy with the Serbs of Kosovo. In 1988 and 1989, Milošević orchestrated mass demonstrations by his supporters to topple communist party leaders in Kosovo, Vojvodina and the Republic of Montenegro. They were replaced by leaders who were loyal to Milošević. 56/ Disturbances again broke out in Kosovo in 1989, and Milošević sent a large contingent of the Yugoslav army to support the regime. In 1989 and 1990, approximately 40 persons were killed in rioting within the province. Most of those killed were ethnic Albanians. 57/

76. The plight of Kosovo's Serbs was taken-up by Serbian intellectuals in the mid-1980s with the publication of a document prepared by the Serbian Academy of Arts and Sciences (SANU). 58/ Referred to as the SANU Memorandum, the document asserted that Serbia had suffered economic discrimination within the Yugoslav federation, especially in relation to the more prosperous Republics of Croatia and Slovenia. However, the Memorandum's greatest concern was directed towards the Serbs of Kosovo. The report referred to the "genocide" of Serbs by Albanians and to crimes including arson, murder, rape, and necrophilia. 59/

77. The SANU Memorandum, according to Misha Glenny, "prepared the ideological ground for Milošević by focusing public opinion yet more tightly in the Kosovo issue . . . ." The report also indicated that "there was a real base among intellectuals for the nationalist assault on the leadership of the Serbian League of Communists". 60/

78. The Memorandum permitted Milošević to organize the demonstrations by his supporters in the provinces. The demonstrations,

> "were part of a well-organized plan designed to intimidate the non-Serb peoples of Yugoslavia, instill among Serbs the idea that their fellow Serbs were being widely discriminated against, but on a higher political plane, to underline Milošević's determination to mark his territory as the undisputed master of post-Titoist Yugoslavia." 61/

79. In February 1989, the Serbian Republican Assembly amended its constitution and revoked the autonomous status of Kosovo and Vojvodina. This display of Serbian nationalism, coupled with the use of force in Kosovo, generated apprehension within the other Republics. 62/ The resulting tension between the six Republics led to the break-up of the League of Communists in early 1990. In January of that year Slovenian delegates to the Extraordinary Congress of the League of Communists demanded an end to the Communist party's "leading role" and the establishment of a multi-party state. Clashing with the Serbian delegates, the Slovenians walked out of the Congress.

80. The immediate origins of the present conflict emerged in early 1990 when Serbia and three of the other five republics failed to reach an agreement concerning the structure of the federal government. The Republics of Slovenia, Croatia and Bosnia and Herzegovina (BiH) sought a loose confederation in order to exercise greater autonomy. Serbia, on the other hand, wanted a more centralized federation in order to maintain its dominant role. 63/ This conflict resulted in efforts by Croatia, Slovenia, and later BiH and Macedonia, to secede from Yugoslavia. 64/

81. In April and May 1990, Slovenia and Croatia held the first free elections in post-war Yugoslavia. 65/ In both states, the newly elected non-Communist governments threatened to secede if Yugoslavia was not transformed into a looser confederation. 66/ Slovenia and Croatia declared their independence on 25 June 1991. 67/

82. In response to the Croatian vote for independence, Serbs living in Croatia's Krajina region established a Serbian National Council and scheduled an August referendum on their secession from Croatia. The Council proposed the establishment of a community of opštinas (counties) that would adopt the Cyrillic alphabet and celebrate Serbian holidays such as St. Vitus Day. 68/

83. In August 1990, armed Serb irregular forces entered Croatia "to protect the villages of ethnic Serbs from discrimination". These troops took over the town of Knin and promised to hold a referendum on independence. 69/ During the same month, a Serbian Council of National Resistance was formed. Its members included Milan Babić, Milan Martić, and Jovan Rašković. 70/

84. Croatian Serbs declared their autonomy on 1 October 1990. 71/ President Milošević urged federal forces to intervene to "defend Serbs from repression". When the Croatian Government labeled the declaration illegal, Vuk Drašković, the leader of the Serbian Renewal Party, called for a declaration of war against Croatia. Between August 1990 and April 1991, almost 200 bombing and mining incidents, as well as 89 attacks on Croatian police forces, were reported. These attacks occurred mainly in Knin. 72/

85. During 1990, tensions had increased considerably throughout the former Yugoslavia as newly elected governments in the Republics expressed strong nationalist sentiments. In Croatia, for example, after Franjo Tudjman and the Croatian Democratic Union (HDZ--Hrvatska Demokratska Zajednica) came to power in April of 1990, a law was enacted adopting Croatian as the official language of state administration and the red and white checkered shield, a symbol of the Croatian nation, hanged from many windows. 73/ Furthermore, many Serbs were dismissed from their jobs, especially within the police forces, and replaced by Croats. 74/ In addition, the new Croatian constitution spoke of the "national state of the Croatian nation". 75/ As one scholar put it, the constitution's repeated use of the term "Croatian nation" (Hrvatski narod) "has an ethnic rather then political connotation and excludes those not ethnically Croat". 76/ In any case, the Serbian minority of BiH clearly felt threatened. 77/ The symbols, such as the flag and coat of arms adopted by the new Croatian government, were quite similar to those used by the fascist Croatian government during the Second World War. 78/ The Croatian Ustaša state, as mentioned earlier, had been responsible for the deaths of hundreds of thousands of Serbs. Some of these symbols were modified within a few months by the new government. However, many Serbs, especially those in the Krajina region, had already been alienated. Moreover, the fears of Croatian Serbs were undoubtedly heightened by officials in the Republic of Serbia who asserted that a fascist Croatian state had been reborn.

86. Violent confrontations took place in western Slavonia in March 1991 when Croat officials replaced Serb personnel in the town of Pakrac. In early May, Croat forces attacked the predominantly Serb village of Borovo Selo where apporoximately 20 Serb civilians were killed. After the fighting in Borovo Selo, the conflict escalated. 79/

87. Throughout 1991, the leadership of the Federal Republic of Yugoslavia (FRY) appeared to be unable to assert control over the escalating crisis. 80/ The State Presidency, for example, was unable to maintain its ethnic balance when Croat Stipe Mesić resigned his position. Prime Minister Ante Marković also resigned in late 1991 after a no confidence vote by one chamber of the Federal Assembly. Marković resigned in December, protesting a war budget in which 80 per cent of the nation's expenditures were designated for the military. 81/ Thus, during the year, power within the federal government slipped away from the moderates and the national executive was left in the hands of pro-Serb forces.

88. Slovenia and Croatia declared their independence on 25 June 1991. 82/ Two days later, on 27 June, the Yugoslav's Peoples' Army (JNA--Jugoslovenska Narodna Armija), attacked the provisional Slovenia militia. Slovenian officials announced that a "state of war" existed, and appealed for international assistance. 83/

89. The Conference on Security and Cooperation in Europe (CSCE), on 1 July 1991, called for a cease-fire between Slovenia and the JNA. Less than one week later, European Community (EC) mediators obtained an agreement providing for withdrawal of JNA forces in Slovenia and the disarming of the Slovenian militia. 84/ The conflict between Slovenia and the Federal Republic had lasted for 10 days. However, violence within the former Yugoslavia erupted again in late June 1991 when Serbian irregular forces, with the help of the JNA, mounted an attack on Osijek, in eastern Croatia. This area, called "Slavonia", was depicted by news agencies as the "fighting in Slovenia". 85/

90. On 27 August 1991, the EC indicated that it would not recognize any border changes as a result of the conflict. The EC also denounced the military support that the JNA had provided to the Serbian minority within Croatia 86/ and called upon the parties to agree to arbitration. On 1 September 1991, a cease-fire agreement was reached. 87/ The agreement, however, was not long-lasting. The truce collapsed when JNA and Serb irregular forces launched attacks on Croatian towns in Dalmatia, as well as the city of Vukovar. The fighting intensified throughout September 1991. Lord Carrington, who had been asked by the EC to help mediate the dispute, negotiated another cease-fire agreement in mid-September. However, that same day Yugoslav ships began their blockade of Croatia's Adriatic coast. On the following day, the Croatian cities of Split and Zagreb were shelled.

91. The United Nations Security Council adopted resolution 713 on 25 September 1991, which imposed an arms embargo prohibiting weapons from entering the region. 88/ Following the adoption of the Resolution, the United Nations Secretary-General, Javier Perez, asked former US Secretary of State Cyrus Vance to represent the United Nations as a mediator and to cooperate with Lord Carrington of the EC in resolving the conflict. 89/

92. As the fighting in Croatia continued, a coalition of Bosnian Muslims and Croats supported a declaration of sovereignty that was adopted by BiH's legislature. Bosnian Serbs, members of the Serbian Democratic Party (SDS - Srpska Demokratska Stranka), refused to support the measure. Instead, they organized a referendum in predominantly Serb areas of BiH. The vast majority of Serbs voted to remain in "a common Yugoslav state". 90/

93. Between September and November 1991, ethnic Croatian regions within BiH formed their own "Croatian Communities". These communities, located in western Herzegovina, threatened secession if BiH became part of a Serb-dominated Yugoslav state. 91/ The Croatian Democratic Union (HDZ), the party to which most Bosnian Croats belong, was split on the issue of independence. Mate Boban, the leader of Herzegovina's Croats, urged an irredentist position, seeking the linkage of Croat controlled areas in BiH with Croatia. Other prominent Croats, such as then Vice President Stjepan Kljujić, were committed to maintaining a multi-ethnic, independent state. 92/

94. On 18 October 1991, Lord Carrington proposed a draft document calling for the protection of human rights and the establishment of autonomous regions in areas in which a minority ethnic group was dominant. Presidents of five of the six Republics agreed to the plan which also provided for a loose confederation. Serbia, however, rejected the agreement on 5 November. 93/ In early November, the coastal resort city of Dubrovnik fell under heavy bombardment and the EC ordered its peace monitors to withdraw from the city. By mid-November, the city of Vukovar fell to Serbian forces after an 86-day siege. Several early battles in Croatia occurred in the Krajina region, which is densely populated by Serbs. The conflict then spread to Slavonia, the region between Zagreb and Belgrade. In a major campaign, Croat forces attempted to expel Serbs from over 20 villages in western Slavonia, forcing thousands of Serbs to flee BiH. The Serbs, on the other hand, expelled thousands of Croats from villages in eastern Slavonia. 94/

95. On 20 November 1991, Serbia petitioned the Arbitration Commission 95/ to recognize the post-conflict borders between Serbia and Croatia, and between Serbia and BiH, as international borders based on principles of international law. 96/ The Commission extended the protection of Article 2(4) of the United Nations Charter--concerning the principles of territorial integrity and political independence of member states--to the individual republics. This action marked the first time that the international community extended the concept of territorial integrity to political subdivisions within a state.

96. Representatives of Croatia, the FRY, and the Republic of Serbia, signed a "Memorandum of Understanding" on 27 November 1991. The agreement pledged the parties to comply with particular provisions of the Geneva Conventions. 97/

97. The EC released guidelines in mid-December, which the Republics had to endorse before the EC would consider recognizing them as states. The guidelines required the Republics to respect the Charter of the United Nations, the 1975 Helsinki Final Act, and the Charter of Paris. The Republics were also required to disavow any territorial claims on the territories of other UN-recognized states. They were also to provide guarantees for the rights of ethnic groups and minorities. 98/

98. Slovenia and Croatia accepted the EC guidelines and applied for recognition as independent states. 99/ A cease-fire agreement was reached between Croatia and Serbian forces on 3 January 1992. The agreement effectively ended the conflict. However, approximately one-third of Croatian territory was occupied by Serbian forces and there were hundreds of thousands of refugees. On 15 January 1992, the EC granted recognition to Slovenia and Croatia. 100/

99. BiH accepted the EC's guidelines on 20 December 1991 and applied for recognition as an independent state. The Arbitration Commission, however, determined that the will of the Serbian minority had not been expressed in BiH's earlier declaration of sovereignty. 101/ Consequently, a

referendum was held on 29 February and 1 March - 63 per cent of the population supported independence. The Bosnian Serbs, however, boycotted the election, fearing that they would become a disadvantaged minority, permanently aligned against a coalition of Bosnian Muslims and Bosnian Croats.

100. To help safeguard the cease-fire agreement in Croatia, the United Nations Protection Forces (UNPROFOR) was established on 21 February 1992. 102/ The UN deployed 14,000 troops, which were in place by July. The troops were deployed in United Nations Protected Areas (UNPAs) in Croatia where ethnic Serbs are in the majority. 103/ UNPROFOR's original mandate in this region was to prevent a renewal of the conflict between Croats and Serbs, oversee the withdrawal of JNA forces, and assist in the return of displaced persons. 104/ In the summer of 1992, UNPROFOR's mandate was expanded to provide for the delivery of humanitarian aid to BiH. 105/ UNPROFOR's role has repeatedly been strengthened, and by June 1994 UNPROFOR could request air power to enforce the mandate. 106/

101. Early in March 1992, the EC attempted to negotiate an agreement that would bring peace to the area. At a meeting held in Brussels, between 7 and 9 March 1992, the EC approved a plan that would have maintained BiH's independence. However, the plan also permitted the division of BiH into ethnic cantons. The plan failed to receive the support of the various factions. The Serbs and Croats could not agree on how BiH's territory was to be divided. The Bosnian Muslims remained skeptical of any plan to partition the country. 107/

102. Bosnian Serb leaders approved a constitution for the Serbian Republic of Bosnia and Herzegovina (SRBiH) on 27 March 1992. The break-away republic would become part of a reconstituted all-Serb state of Yugoslavia, containing--in addition to a large portion of BiH--Serbia, Montenegro and parts of Croatia. 108/ On 6 April 1992, the EC formally recognized BiH. 109/ It was on this weekend, between April 4th and 6th, that the JNA and Bosnian Serbs began the shelling of Sarajevo.

103. Following the referendum in late February and early March, sporadic conflicts between Bosnian Serbs and Muslims occurred throughout the country. Road blocks, for instance, were set-up by Bosnian Serbs to demonstrate their displeasure with the referendum results. On 22 March, fighting broke out between Bosnian Serbs and Bosnian Muslims in Goražde. In late March, the fighting spread to Bosanski Brod and Kupres, where Bosnian Serbs battled Bosnian Croats for the control of territory. 110/

104. In late March and early April 1992, the fighting spread to northern and eastern Bosnia, along the Serbian border. It was there that a pattern of "ethnic cleansing" first clearly emerged, with the JNA shelling a village, followed by an attack by paramilitary forces sent in to "cleanse the territory". 111/

105. The UN condemned, on 24 April, the use of force and demanded that all outside parties cease interfering in the conflict in BiH. 112/ The UN also called for an immediate cease-fire and demanded that unrestricted access be given to all humanitarian organizations. 113/ On 27 April 1992, the former Republics of Serbia and Montenegro proclaimed the FRY (FRY). 114/

106. The Republic of Croatia, on 11 May 1992, declared that it was bound by the four Geneva Conventions and the two additional Protocols. At approximately the same time, BiH indicated that it considered itself bound by general treaty obligations undertaken by the socialist FRY. 115/ On 22 May 1992, the UN admitted Slovenia, BiH, and Croatia as member states. 116/

107. The JNA announced the withdrawal of its forces from BiH on 19 May 1992. However, the troops, including General Ratko Mladić, who were from BiH, were permitted to stay and fight as part of the forces of the Serb Republic of Bosnia. Thus, approximately 80 per cent of the JNA troops stationed in BiH were permitted to remain. The tanks, equipment and supplies that belonged to the Yugoslav Army also stayed in BiH. 117/

Part Two

"ETHNIC CLEANSING" IN BiH

I. INTRODUCTION

108. This report examines the policy and practice of "ethnic cleansing" in the former Yugoslavia. As used in this report, the term "ethnic cleansing" means rendering an area ethnically homogeneous by using force or intimidation to remove persons of given groups from the area. Reports received by the Commission of Experts allege that all of the parties involved in the conflict in the former Yugoslavia have committed "grave breaches" of the Geneva Conventions and other violations of international humanitarian law. But, as the Commission noted in its Final Report, there are qualitative and quantitative differences. Thus, no "moral equivalence" argument should be advanced. The grave breaches and other violations of international humanitarian law include acts such as the killing of civilians, rape, torture, destruction of civilian, public, and cultural property, looting and pillaging, and the forcible relocation of civilian populations. 118/ Croatian forces in the Republic of Croatia and in BiH have engaged in "ethnic cleansing" practices against Serbs and Muslims. Croats, for instance, have conducted "ethnic cleansing" campaigns against Serbs in eastern and western Slavonia and some parts of the Krajina region, and against Bosnian Muslims in the Mostar region.

109. Bosnian Muslim forces have also engaged in practices which constitute grave breaches of the Geneva Conventions and other violations of international humanitarian law. However, abuses by Bosnian Muslims have not been part of an "ethnic cleansing" campaign, and the number of reported violations is substantially lower than for those of the other warring factions. 119/

110. The vast majority of reports received by the Commission allege that Serbian forces have used means such as the mass killing of civilians, rape and sexual assault, torture, the bombardment of cities, the destruction of mosques and churches, the confiscation of private property, unlawful detention of civilians in harsh and sometimes inhuman conditions, and other unlawful practices designed to eliminate Muslim and Croat populations that lie within Serb-claimed territory. Unlike the violations committed by the other warring factions, "ethnic cleansing" by the Serbs appears to be the result of a highly-developed policy that has been planned, coordinated, and financed by Serb officials with support from the FRY and the JNA which was, at times, directly involved in some of these operations. 120/

111. "Ethnic Cleansing", as a practice, is not new to history 121/ nor, as the previous section on the history of the conflict has shown, is it entirely new to the Balkans. Ethnic conflict has been involved in efforts to establish nationhood and define national boundaries in the Balkans since the 19th century. 122/ This report, however, discusses "ethnic cleansing" as part of a broader policy, pursued by Serbian forces within BiH, Croatia, and the FRY, to create a "Greater Serbia".

112. The described events are put in a historical context. However, in Part I of this Annex, no attempt is made to assess the validity of historical claims by any of the warring factions. There is no justification under international law for committing crimes such as the deliberate killing, rape, and torture of civilians during an armed conflict. The distinction between jus ad bellum and jus in bello instructs us that combatants are not necessarily responsible for the outbreak of war, but they are responsible for their conduct during the war. 123/ Even a just war can be fought unjustly. Those who have committed serious violations of international law should be held accountable, regardless of the justifications offered for the conflict itself.

II. THE POLITICS OF CREATING A "GREATER SERBIA": NATIONALISM, FEAR AND REPRESSION

113. While the notion of establishing a "Greater Serbia" has deep historical roots, the concept gathered new momentum within Serbia during the mid-1980s. It was then that Serbian intellectuals and political leaders began to embrace a new nationalism. The decade of 1980 began with the death of President Josip Broz Tito and with demands by Kosovo's ethnic Albanian population for greater autonomy. While Kosovo's population is overwhelmingly Albanian, 124/ the province contains Kosovo Polje, the site of the Serbs' defeat by the Ottoman Turks in 1389. Kosovo is widely considered by Serbs to be the cradle of their culture. Demonstrations by Albanian students in Spring 1981 led to military intervention by Yugoslav military forces and the brutal repression of the dissenters. 125/ The demonstrations, which were accompanied by some violence against Serbs, gave rise to the allegation that the Serbs of Kosovo faced genocide at the hands of Albanians.

114. In the mid-1980s, Serb intellectuals, as well as public officials, took up the cause of Kosovo's Serb minority population. The SANU Memorandum, referred to in Part I of this Annex, 126/ expressed in emotional terms the plight of Kosovo's Serbs. The Memorandum, drafted by the Serbian Academy of Arts and Sciences, was considered by many to be the heralding of a new ethnic nationalism. It was, apparently, instrumental in spreading anti-Albanian sentiment. Perhaps most important, it also placed the imprimatur of Serbia's most prestigious intellectuals on the cause of militant Serbian nationalism. 127/ Political figures such as Dobrica Ćosić, who was to become President of the FRY, and Slobodan Milošević, the President of the Republic of Serbia, embraced the cause of Kosovo's minority Serb population. Allegations of "genocide" against Kosovo's Serbs became commonplace. 128/

115. The Serbs' 129/ sense of injustice was not confined to concern over events in Kosovo. The writings of Serbs throughout the decade reflect a strong sense of victimization. "The Serbs", Aleksa Djilas has written, "more than any other nation of the former Yugoslavia, are fully convinced that history has treated them unfairly". 130/ Thus, the Serbs' collective historic memory recounts domination by the European powers, conquest by the Ottoman Turks, occupation by the Axis powers during the Second World War, betrayal by their fellow Slavs of the Croatian Ustaša regime, and discrimination under President Tito's communist government. 131/

116. This "dark vision", 132/ stressing the role of the Serbian nation as a victim, has led to the demonization of Serbia's adversaries and the promotion of an idealized image of the Serbs. 133/ Thus, Croats have been repeatedly referred to as "Ustaše" and "fascists", recalling the animosities of the Second World War. In addition, Bosnian Serbs have been warned of the impending establishment of a fundamentalist Islamic State,

although Bosnian Muslims are largely secular and committed to a multi-ethnic state. 134/

117. Just as political opponents of the regime were demonized, the attributes of Serbs were idealized. Jovan Rašković, who was to become a founder of Croatia's Serbian Democratic Party (SDSC), for example, wrote that "[t]he Serbs are . . . the only ones with an instinct for leadership and they must exercise it over the other peoples of Yugoslavia. They must dominate them." 135/ Croats, according to Rašković, "are castrated and afraid of everything. They cannot exercise any authority. It is up to the Serbs to guide them." On the other hand, "Muslims have anal-erotic personalities and are the sort who love to amass riches." 136/

118. Rašković, a psychiatrist, helped to organize the referendum on political autonomy for the Krajina Serbs in Croatia. The event led to an armed confrontation between Croats and Croatian Serbs. 137/ Shortly before he died, Rašković stated on Belgrade television that he felt responsible for having "lit the fuse of Serbian nationalism". There has been much speculation that Radovan Karadžić, also a psychiatrist, may have been influenced by Rašković's theories of Serb superiority. 138/ In May 1990, when Karadžić was asked if he had a role-model or mentor, he responded, "above all, Jovan Rašković". 139/

119. Although the war in the former Yugoslavia is fueled by past hatreds, it has also involved discrete policy choices by governmental leaders. "[H]istory can be a weapon, and tradition can fuel ethnic conflict", Donald Horowitz has said, "but a current conflict cannot generally be explained by simply calling it a revived form of an earlier conflict". 140/

120. As the Yugoslav nation disintegrated in the late 1980s and 1990s, each of the Republics that composed the state began to express strong nationalistic sentiments. As Part I of this Annex indicated, many Serbs living in Croatia were dismissed from their jobs and suffered other forms of discrimination as Croatia approached statehood. Croat officials also restored many of the symbols of the Ustaša state, which had been responsible for the mass murders of Serbs, Jews and Gypsies during the Second World War. Later, during the conflict in Croatia in the Spring of 1991, Croat forces "cleansed" Serb villages in western Slavonia. Croat paramilitary forces, such as the "Glavaš Unit" headed by Branimir Glavaš, have committed atrocities against Serbs similar to those committed by Serb paramilitary forces. 141/ Serbs living in Croatia then were genuinely fearful of Croatian nationalism. These apprehensions were exploited by some Serb leaders who increasingly viewed the cause of a "Greater Serbia" as the path to power.

121. Slobodan Milošević, for instance, reportedly pursued a domestic political strategy based "on appeals to a xenophobic and authoritarian version of Serbian nationalism". 142/ The strategy was designed to help him attain and consolidate his political power. 143/ In the late 1980s and early 1990s, for example, President Milošević used appeals to nationalist sentiment and Serbian unity to obtain and maintain his hold on the party leadership. In launching an "anti-bureaucratic revolution", the party leaders of Vojvodina--who were critical of Milošević's leadership--were accused of being "autonomists" (seekers of autonomy and opposed to Serbian unity) and removed from power. By 1989, Kosovo had been placed under martial law and the party leadership of Montenegro--who were also potential adversaries of Milošević--was forced to resign. As a result, according to Branka Magaš, "by 1989 Serbia had acquired control of four out of eight votes on the federal state presidency", and control over the leadership of the League of Communists of Yugoslavia (LCY). 144/ Thus, as the 14th Extraordinary Congress was about to convene in January 1990, Serbia had already revoked the autonomous

status of its two provinces (Vojvodina and Kosovo); established considerable control over Montenegro; and used military force (in Kosovo) to enforce Serbian rule.

122. In the early 1990s, Serbia's political leadership faced not only a dissolving nation-state, but also growing opposition within the Republic. 145/ Milošević labeled the Serbian anti-regime protesters "enemies of Serbia". 146/ In referring to his political opponents in the other Republics, the rhetoric became even less restrained. In addressing Serbia's parliament in 1991, for example, Milošević, said that:

> "Serbia and the Serbian people are faced with one of the greatest evils of their history: the challenge of disunity and internal conflict. . . . All who love Serbia dare not ignore this fact, especially at a time when we are confronted by the vampiroid, fascistoid faces of the Ustashas, Albanian secessionists and all other forces in the anti-Serbian coalition which threaten the people's rights and freedoms." 147/

123. Within Serbia, some of Milošević's political opponents have promoted an even more aggressive nationalism. 148/ The Serbian Radical Party (SRS), 149/ led by Vojislav Šešelj, for instance, has accused Milošević of being too timid in protecting the rights of Serbs who reside outside of Serbia. 150/ An even more vehemently nationalistic party, the Serbian Unity Party (SSJ), was formed in November 1993 by Željko Ražnjatović (Arkan). The SSJ, which is based in Kosovo, failed to win any parliamentary seats in the 1993 election. 151/

124. Both Šešelj and Arkan control paramilitary units that have conducted "ethnic cleansing" campaigns in BiH. Arkan's "Tigers" allegedly have also engaged in ethnic cleansing in Kosovo and in Serbia's Sandžak region, where a large Muslim community is located. 152/

125. Vuk Drašković, the leader of the Democratic Opposition of Serbia (DEMOS), while more moderate than Šešelj and Arkan, has also criticized Milošević for failing to adequately advocate a "Greater Serbia". 153/ The criticisms of Milošević suggest that his political opponents believe that even the most militant appeals to nationalistic sentiment resonate among Serbs.

126. In response, Milošević and the ruling party have taken repressive measures against the ruling party's opponents on both the right and left. Vuk Drašković, for example, was arrested after a demonstration in June 1993 and his party offices were raided by police. 154/ The Serbian Prosecutor General has asked the Constitutional Court to ban Drašković's Serbian Renewal Party. 155/ The Constitutional Court previously had been asked to ban another political rival, the Sandžak Democratic Party. 156/

127. Government control and manipulation of the mass media have been used to generate support for a "Greater Serbia" and to selectively punish dissenters within the mass media. 157/ The UN's Special Rapporteur on Human Rights recently expressed concern over "the incitement to national and religious hatred in public life and in the media". 158/ He also stated that "leading political figures make inflammatory and threatening statements against minority groups on a regular basis". According to the report of the Special Rapporteur on Human Rights,

> "[t]he prevailing climate of ethnic and religious hatred is also encouraged through misinformation, censorship and indoctrination by the media. . . . In particular, the coverage of atrocities committed in the conflict between Serbs and Muslims in Bosnia and Herzegovina is

> selective and one-sided. The media denigrates Muslims and Islam through sensationalist and distorted accounts of historical and existing 'crimes' which they have committed 'against the Serbian people' while grave violations perpetuated against Muslims are either rarely reported or discounted as malicious accusations forming part of an 'anti-Serbian conspiracy.'" 159/

128. There have also been allegations that President Milošević ordered the dismissal of journalists who have publicly criticized the government's war policies. 160/ Glenny, for example, has stated that Milošević ordered a thorough purge of Politika and Radio-Television Belgrade. 161/

129. The resentments bred by virulent nationalism have also proved to be instrumental in engendering the support of some Bosnian and Croatian Serbs. For instance, Serb leaders, including Karadžić and Milošević, have taken advantage of the resentments that had grown among the recently urbanized Serb populations in BiH and Croatia. In BiH, for example, many Serbs had emigrated to more urbanized areas in the hope of finding greater material prosperity. Often, however, they have remained less affluent than their Muslim neighbours. The allure of pillaging Muslim and Croatian communities has become a means of attracting new adherents to the cause of a "Greater Serbia". 162/

130. The growing nationalistic sentiment, and the repression of dissent, created an environment in which support for establishing a "Greater Serbia" could flourish. In fact, the objective of establishing a "Greater Serbia" has been endorsed by the major Serbian leaders and political parties both within and outside of the Republic of Serbia. President Milošević, for instance, who is also the leader of the Socialist Party of Serbia (SPS), has repeatedly stated that all Serbs should enjoy the right to be included in Serbia. 163/ In August 1991, the Belgrade newspaper, Borba, reported that:

> "[Milošević] believes he now has the historic opportunity to, once and for all, settle accounts with the Croats and do what Serbian politicians after World War I did not--rally all Serbs in one Serbian state." 164/

131. Vojislav Šešelj, 165/ the head of the Serbian Radical Party (SRS), stated that he hoped to see "the republics of BiH, Macedonia and Montenegro, and the Serbian areas of Croatia. with the borders at Karlobag, Karlovac, and Virovitica" incorporated into Serbia. 166/

132. The Serbian Renewal Movement (SRM), headed by Vuk Drašković, also has called for the creation of a "Greater Serbia" which would include Serbia, Kosovo, Vojvodina, Macedonia and Montenegro, as well as regions within BiH and Croatia with high concentrations of Serbs. 167/ In addition, Mihajlo Marković, the Vice President of the Main Committee of Serbia's Socialist Party, has urged the rejection of any solution that would make Serbs outside Serbia a minority. 168/ The optimal solution, according to Marković, would entail establishing a federation consisting of Serbia, Montenegro, BiH, Macedonia and Serbs residing in the Serbian Autonomous Region of Krajina, Slavonia, Baranja, and Srem. 169/

133. A preliminary step towards formally creating a "Greater Serbia" took place when representatives from the Serb Republic of BiH and delegates from the break-away Serb republic in Croatia voted to merge into "one government, one army, one police and one administration". 170/ However, the President of the Serb Republic of Bosnia, Radovan Karadžić, has repeatedly denied that the creation of a "Greater Serbia", is the Bosnian Serbs' objective. 171/

134. These factors framed the backdrop to the resurgent Serbian nationalism that emerged. This revived nationalism would spur the quest for a "Greater Serbia" and help to launch the "ethnic cleansing" campaign that was to follow.

III. PLANNING AND IMPLEMENTING THE "ETHNIC CLEANSING" CAMPAIGN

A. Preparing for War

135. The history and demographics of the BiH region leave little doubt that any attempt to establish "ethnically pure" areas will necessarily entail tremendous dislocations and bloodshed. Ethnic Serbs constituted approximately 34 per cent of the population of the former Yugoslavia, according to the prewar census. 172/ Within BiH, Serbs accounted for approximately 31 per cent of the population. In BiH, however, the areas of Serb preponderance are not contiguous; they are primarily located in the north-east, south-east and north-west portions of the country. Moreover, the areas in which Serbs are dominant include substantial percentages of ethnic minorities, primarily Bosnian Muslims and Croats. 173/

136. Prior to its break-up, a central political problem of the Yugoslav state lay in the numerical and political dominance of the Serbs over other ethnic groups. A critical issue in BiH has been how Bosnian Serbs could come to terms with a numerically and politically dominant coalition of Bosnian Muslims and Bosnian Croats. 174/ Facing the prospect, real or imagined, of becoming a permanent minority aligned against a coalition of Muslims and Croats, the Serbs adopted an irredentist strategy. Serbs residing outside the Republic of Serbia would be united into one political unit - a "Greater Serbia". As a military strategy, this has been described as "the consolidation of Serb-held territories in BiH, the eradication of Muslim enclaves within them such as Goražde, and the severance of any possible military links between Muslims in BiH and those in the Sandžak area of Serbia". 175/ The strategy is reflected in the Serbs' "ethnic cleansing" campaign. The areas that have been cleansed can be represented by an arc which extends from Goražde in the south-east and follows the Drina River through Zvornik, Banja Luka and Prijedor. The arc continues along the Sava and Korenica Rivers, which form the boundaries with the Serb Krajina area. Through the practice of "ethnic cleansing", the goal of creating a "Greater Serbia" has largely been achieved. Serbian forces now control approximately 70 per cent of BiH and one-third of Croatian territory.

137. In late June 1991, as the 10-day conflict with Slovenia was coming to an end, 176/ violence again erupted as the Yugoslav Army (JNA) and Serb paramilitary groups mounted an attack on the Slavonian village of Osijek, in eastern Croatia. In the following weeks, similar attacks would occur in numerous Croatian villages, such as Ćelije and Bobota. In these villages, the homes of non-Serbs were looted and burned as the Serbs' "ethnic cleansing" campaign commenced. In the months that followed, the city of Vukovar in eastern Slavonia would be almost completely destroyed. On the Dalmatian coast, the ancient city of Dubrovnik would be shelled.

138. The shelling of Dubrovnik (like the later attack on Prijedor, in BiH) indicates that Serbian ethnic cleansing is not confined to areas in which Serbs are a majority of the population. Ethnic Serbs occupied approximately 11.6 per cent of Croatia and 32 per cent of BiH prior to June 1991. As would later occur in BiH, a breakaway government (The Serb Republic of Krajina) was formed in Krajina, an area of Croatia heavily populated by Serbs. By the time a cease-fire was signed in Spring 1992, Serbian irregular forces and the JNA

had captured one-third of Croatia's territory; over 16,000 persons were killed, and there were hundreds of thousands of refugees. 177/

139. In a pattern that would be repeated in BiH, local Serb forces in Croatia would coordinate their military operations with the JNA. In Serb-controlled areas such as Knin, in the Krajina region, and in eastern Slavonia on Serbia's border, non-Serbs would be expelled from their homes. The forced evacuation of non-Serbs would often be followed by the resettlement of Serbs in the homes of those who had fled. There is strong evidence that massive human rights violations have occurred in Croatia, including the mass execution of Croatian prisoners in Ovcara, outside of Vukovar in November 1991. Helsinki Watch has also reported that in Serbian Krajina, Serb authorities have executed Serbs who were willing to reach an accommodation with Croat officials.

140. The first sustained clashes between Serbian and Bosnian Muslim forces occurred in the Spring of 1992. 178/ This violence erupted after BiH's Declaration of Independence on 1 March of that year. The level of violence escalated following the European Community's recognition of BiH's statehood on 6 April 1992. 179/ There is evidence, however, that the JNA, the Republic of Serbia and Serbs in Croatia and BiH were preparing for war as early as 1990. It was then that the Yugoslav military began providing arms to Croatian and Bosnian Serb groups and encouraging unrest in Serb-populated regions of Croatia and BiH. 180/ In a project (operating under the acronym "RAM") coordinated from Belgrade, thousands of weapons were reportedly delivered to Serbs in Bosanska Krajina in the north-west, Herzegovina in the south-west, and Romanija, a mountainous area east of Sarajevo. 181/

141. In August 1991, Yugoslav Prime Minister Ante Marković released a tape-recorded conversation between Serbian President Milošević and Radovan Karadžić, the leader of the Bosnian Serbs. According to Misha Glenny, the tape recording revealed that Milošević instructed Karadžić to accept delivery of weapons. The arms would be supplied by General Nikola Uzelac, the head of the Banja Luka Corps. 182/

142. According to a report appearing in the Ljubljana newspaper Delo, an additional plan was developed by the JNA to supplement RAM. The plan reportedly called for the mass killings of Muslims and the use of mass rapes as a weapon of psychological warfare. 183/ According to the Delo article, the JNA plan stated that, "[a]nalysis of the Muslim's behaviour showed that their morale, desire for battle, and will could be crushed most easily by raping women, especially minors and even children, and by killing members of the Muslim nationality inside their religious facilities". 184/

143. As the war in Croatia continued, the JNA began military movements in BiH. 185/ The federal army relocated its troops from the cities to the countryside and deployed units at major communications points. 186/ In late 1991 and early 1992, as the war in Croatia came to a close, the JNA redeployed troops from Croatia to BiH. 187/ The 37th Corps, for instance, was transferred to the 4th military district in Sarajevo. 188/ The Corps' headquarters was established in Mostar, the capital of Herzegovina. 189/ JNA's General Staff appointed only Serbs and Montenegrans to fill the higher posts in the redeployed units. 190/

144. The JNA also adopted a new defence plan in early 1992 calling for the protection of the Serbian population outside of Serbia. Territorial defence units in Croatia and BiH were to be supplied with small arms, artillery, armour and missile launching systems. 191/ Moreover, the Ministry of Defence of the Serbian Autonomous Regions (SAOs) in Croatia and BiH were to be subordinated to the Serbian Ministry of Defence. The JNA and the SAOs were to

coordinate their defence plans and jointly protect their external borders and constitutional system. 192/

145. In the months preceding the independence referendum, the JNA also began to disarm Bosnian troops. The JNA maintained that in order to secure the peace in BiH, it must place all of the Republic's weapons in the hands of the federal army. 193/ The disarmament campaign ostensibly included weapons held by Bosnian Serbs, thus the campaign to collect the weapons initially had the support of the Bosnian government. 194/ The net effect of these measures, however, was that by Spring 1992, the JNA was in an advantageous position to launch its "ethnic cleansing" campaign and establish a "Greater Serbia". According to James Gow, a military analyst at King's College, University of London:

> "[a]s a result of these measures, the Serbs had succeeded in prepositioning their forces in Bosnia and Herzegovina as part of their strategy of securing the infrastructure that was to be a part of a 'mini-Yugoslavia', carving up the new state in the process: the eastern part was to be attached to Serbia, the southern part to Montenegro, and the western part to Serb-populated and -occupied regions in Croatia." 195/

146. In April 1992, when the conflict in BiH broke out, the JNA had approximately 80,000 troops deployed there. In early May, General Ratko Mladić was appointed JNA commander. Under pressure from the international community, on 19 May 1992, the FRY announced that it was withdrawing its forces. However, Yugoslav officials said that JNA 196/ personnel from BiH could remain there and fight on behalf of the Bosnian Serbs. 197/ Thus, General Mladić and 55,000 JNA troops, as well as JNA military weaponry and equipment, were transferred to the Territorial Defence Forces of the SRBiH. 198/

B. Implementing the "Ethnic Cleansing" Campaign 199/

147. In the weeks following BiH's recognition by the European Community, JNA and Bosnian Serb forces attacked Bosnian towns such as Prijedor 200/ and other villages in the Kozarac region 201/ of north-east BiH, and Zvornik 202/ in north-west BiH. Similar attacks have occurred in countless cities and villages along the Drina and Sava Rivers. The purpose of the attacks seems clear - both north-east and north-west BiH have high concentrations of Bosnian Serbs. Serb forces have sought to consolidate their control over these territories and link them with each other, as well as with Serb-controlled areas of Croatia. 203/

148. These attacks have followed a similar pattern. First, Bosnian Serb paramilitary forces, often with the assistance of the JNA, seize control of the area. In many cases, Serbian residents are told to leave the area before the violence begins. The homes of non-Serb residents are targeted for destruction and cultural and religious monuments, especially churches and mosques, are destroyed. 204/ Second, the area falls under the control of paramilitary forces who terrorize the non-Serb residents with random killings, rapes and looting. 205/ Third, the seized area is administered by local Serb authorities, often in conjunction with paramilitary groups. 206/ During this phase, non-Serb residents are detained, beaten and sometimes transferred to prison camps where further abuse, including mass killings, have occurred. 207/ Non-Serb residents are often fired from their jobs and their property is confiscated. Many have been forced to sign documents relinquishing their rights to their homes before being deported to other areas of the country. 208/

149. In Prijedor, for example, witnesses have stated that there was tension between the three ethnic groups, Muslims, Croats and Serbs, prior to the Serbs' seizure of the town on 30 April 1992. 209/ Serbian authorities assumed control of Prijedor through a nighttime coup. The next day, Muslims were dismissed from their jobs at hospitals and schools. Bosnian Serb snipers positioned themselves on rooftops. 210/

150. The takeover was engineered by the Serbian Democratic Party (SDS), 211/ working in conjunction with the JNA. In addition, paramilitary forces, known as "White Eagles" roamed the streets. A curfew was imposed between 10:00 p.m. and 6:00 a.m. 212/ In the following weeks, prominent non-Serb residents were arrested, such as the President of the local chapter of the Croatian Democratic Union (HDZ). In mid-May, the JNA attacked surrounding villages and towns. 213/

151. On 30 May 1992, the military attack on Prijedor began. There was some resistance from the Patriotic League, a group of Muslims and Croats who served in the local militia, but the battle lasted less than fourteen hours. 214/ JNA and paramilitary forces took an active part in the conflict. The following day Muslims and Croats were forced out of their homes and interrogated. In many cases, their homes were robbed during their absence. Many non-Serbs were later taken to prison camps. 215/ In Bosnian villages such as Bukovica, Mala Vukovica, Tombak and Zajir, similar attacks occurred and the entire non-Serb populations of these towns appear to have been killed or deported. 216/

152. According to a report by Medecins Sans Frontiers (Doctors Without Borders), the non-Serb population in the outlying villages in the Kozarac region suffered a similar, and sometimes worse, fate. 217/ Based on interviews with 60 residents from the Kozorac region who had been held in prison camps, the study found that:

(a) The siege of the area appeared well planned; for example, television programmes from Sarajevo were blocked before the conflict began and replaced with programmes originating in Belgrade. 218/

(b) Prominent and well-educated citizens were targeted to be killed--many were doctors, teachers and political leaders; after non-Serb residents were taken from their homes and gathered together, a Serbian militiaman, whose face was hidden by goggles, identified the persons who were to be killed; they were either shot or their throats were slit.

(c) Females as young as 12 years of age were raped.

(d) The region contained 13 mosques, a Catholic church and an Orthodox church; all were destroyed (apparently, the Orthodox church was unintentionally destroyed by shelling).

(e) Mass executions took place in Hambarine, Rizvanovići, Rakovčani Bišćani, Sredići and Čarakovo; three-quarters of the 4,500 inhabitants of these villages appear to have been executed.

(f) Male and female non-Serbs were separated and taken in convoys to prison camps at Keraterm, Omarska, Manjača and Trnopolje; at the camps prisoners were subjected to beatings, torture and summary executions.

(g) Three persons interviewed told of a mass execution of male prisoners from Trnopolje who had been taken on a convoy towards Bosnian lines (apparently to be released); all of the approximately 250 men in the convoy were taken off, lined up and shot; 11 survived and eventually found their way to a Bosnian-Muslim zone.

153. The attack on Zvornik, in north-eastern BiH, reveals a similar pattern of events. 219/ In the weeks prior to the attack (which occurred on 8 April 1992), tensions between ethnic groups in the city had increased. 220/ Members of each ethnic group had obtained weapons for their personal use. Muslims were warned by their Serb friends that they should leave the area. 221/ Prior to 8 April, many Serbs left Zvornik, apparently having been forewarned of the impending attack. On the weekend before the attack, Serbs constructed a barricade, preventing many Muslims from reaching their work site or school. In retaliation, Muslims also erected a barricade at the same location. It was protected by Muslim police officers and armed volunteers. 222/

154. On the day before the attack, JNA troops moved into the region. On television, a Belgrade commentator reported that the JNA was needed in the region because they expected an attack by Muslim extremists. 223/

155. On 8 April, Serb representatives of SDS, as well as the paramilitary leader known as "Arkan", called for the Muslims to peacefully surrender the city. 224/ Negotiations proceeded in which the division of the city into Muslim and Serb enclaves was discussed. The negotiations broke down, however, apparently because Arkan was dissatisfied with the result. 225/

156. After the failure to reach an agreement, the attack on the town began. The JNA, using tanks, artillery and infantry units, was joined by Arkan's paramilitary troops, sometimes known as "Arkanovci". 226/ There was heavy shelling of the Muslim sections of the city. 227/

157. The next day Arkan's troops, along with paramilitary units known as "Šešeljovci" 228/ and the Beli Orlovi (White Eagles), 229/ entered the city. Serb territorial defence units (TOs) also participated. It was reported that these troops committed random executions and rapes after entering Zvornik. 230/

158. The next day, a provisional government was established that was headed by local Serbs, primarily members of SDS. A curfew was imposed, and residents had to obtain a police permit to travel within the city. Several Muslims who went to the police station to obtain a permit were taken into custody and deported to an outlying prison camp. Except for indispensable personnel such as hospital employees, Muslim men were prevented from working. 231/ During the following days, paramilitary units continued to patrol the streets, and there were many reports of looting, rape and other acts of brutality. 232/

159. In late April, an appeal was made to Muslims to return to the area from which they had fled. Many returned because they feared losing their property. 233/ On arriving in Zvornik, Muslims were told that they must register their property. An "agency for the exchange of houses" was established. In exchange for relinquishing their homes, Muslims were promised the former homes of Serbs in Tuzla. Departure from the town was only possible on the condition that their property was turned over to Serb authorities. 234/ From late May to early June 1992, the entire Muslim populations of villages in the surrounding area were deported. The expelled Muslims were allowed to take few personal possessions with them. Even these items were often stolen at Serb check-points on the roads leaving the area. 235/

160. According to an account in Vreme, the "cleansing" was followed by organized looting. "Some stole gold, hard currencies, household appliances or cars. Others robbed department stores. Electricity plugs were torn out of the walls and children's toys were sold and bought. Even entire bedroom suites could be seen floating down the river". 236/

161. The events in the Kozarac region and in Zvornik demonstrate the use of terror to expel Muslims from Serb-claimed land. Killings, rapes and torture were carried out in a manner that was designed to frighten the non-Serb population into leaving and never returning to the area. Thus, killings, and sometimes rapes, are committed openly, often in front of large numbers of witnesses. 237/ In other instances, however, killing seems to have been an end in itself. The UN's Special Rapporteur for Human Rights, for example, found that Serb troops prevented civilians from escaping the encircled town of Cerska by ambushing Muslims as they attempted to flee. 238/

162. Borislav Herak, a captured Serbian fighter, has stated that before attacking Muslim families near the village of Vogošća, Serbian commanders described the military operation as "čišćenje prostora" (cleansing the region). 239/ According to Herak, his unit had been told to leave no one alive. 240/ Herak stated that his unit was:

> ". . . told that Ahatovici [a village near Vogosca] must be cleansed Serbian territory, that it was a strategic place between Ilidza and Rajlovac, and that all the Muslims there must be killed . . . We were told that no one must escape, and that all the houses must be burned, so that if anybody did survive, they would have nowhere left to return to. It was an order, and I simply did what I was told." 241/

163. Herak admitted to killing 29 persons. He killed many of them in their homes by shooting them or slitting their throats. He also said that he had raped and murdered eight Bosnian Muslim women and abandoned their bodies on hilltops and other deserted places.

164. According to a news report of Herak's confession, "his account offered new insights into the ways that tens of thousands of civilian victims of the war have died, most of them in towns and villages where there have been no independent witnesses". For example, Herak said that he saw a Serb unit machine-gun 120 men, women and children in a field outside of Vogosca. Their bodies were transported to a railway yard, piled in an open pit, doused with gasoline, and set afire. 242/

165. A similar pattern of killing occurred in many prison camps. Although the prisoners had already been forcibly removed from their homes, many were deliberately tortured and killed anyway. In the Omarska camp, for example, Serbian guards were said to have executed prisoners in groups of 10 to 15 every few days. 243/ Instances such as these suggest that mass killings are not always committed for the purpose of terrorizing others into fleeing. In at least some instances, the killing of non-Serbs appears to be an alternative means of "cleansing" Serb-claimed territory.

166. According to Pero Popović, a former prison guard at the Bosnian-Serb prison camps of Sušica, executions at that camp were a nightly occurrence from June through September 1992. 244/ A victim of the camp also reported that men were frequently shot to make room for more civilians who came from the nearby town of Vlasenica. The former prison guard stated that mass executions also took place, generally in reprisal for the killing of a local Serb. In mid-June 1992, he stated that he witnessed the killing of 26 persons. However, he estimated that at least one thousand persons had been executed in mass killings at the camp during the summer of 1992. Popović also

reported that shortly before the camp was closed, a decision was made to execute the 200 surviving prisoners. According to Popović, "[o]ver half of them were taken up to the ravine and shot", while the others were put to work digging trenches. 245/

167. "Ethnic cleansing" campaigns have continued through 1994. In September 1994, for instance, over 500 Bosnian Muslims were reportedly driven from their homes in Bijeljina, in northern BiH. In addition, more than 2,000 persons were expelled from their homes in the areas of Banja Luka and Rogatica. A United Nations official characterized these expulsions as "a final push to create a Serb-only state". 246/

IV. ASSIGNING RESPONSIBILITY FOR "ETHNIC CLEANSING"

A. Civilians

168. Among Bosnian Serbs, there appears to be widespread involvement in various aspects of "ethnic cleansing". Neighbours have attacked Bosnian Muslim and Croat families whom they have known for years; and they have guarded them at prison camps as well. Serb families have moved into the homes of Muslims and Croats who had been killed or expelled. Serb civilians have also taken part in looting the homes and stealing the possessions of Muslim and Croat families. 247/ In many cases, however, it is not known whether civilians acted pursuant to orders from Serb authorities. 248/

169. Many Serbs, on the other hand, have taken actions to help persons of other ethnic groups and have protected them from harm. Serbs who have helped their neighbours, however, risk being labled as traitors by local Bosnian-Serb officials.

B. Police Units

170. The involvement of civilian police units in "ethnic cleansing" has primarily involved the deportation and detention of non-Serbs. Serb police forces, for example, were chiefly responsible for the forced movement of civilian prisoners from the detention facility at Trnopolje to the town of Travnik in BiH. 249/ Reports indicate that from 150 to 200 men were taken from two buses and summarily executed in a mountainous area known as Vlašić. 250/ In addition, police units were involved in administering the detention facility at Omarska. 251/

C. Paramilitary Units 252/

171. Paramilitary units are responsible for some of the most brutal aspects of "ethnic cleansing". Two of the units that have played a major role in the "ethnic cleansing" campaign in BiH, the "Četniks" associated with Vojislav Šešelj and the "Tigers" associated with Željko Ražnjatović (Arkan), have been active in the Republic of Serbia as well. 253/ Šešelj's followers have reportedly waged "ethnic cleansing" campaigns against ethnic minorities in Serbia's provinces of Vojvodina and Kosovo. 254/ Arkan's "Tigers" have staged military training exercises allegedly designed to intimidate Albanian residents in Kosovo. 255/

172. In addition, Mirko Jović's "Knights" and Dragoslav Bokan's "White Eagles" are also based in Serbia. Šešelj, Arkan and Jović are also leaders of political parties in the Republic of Serbia. 256/

173. Šešelj's "Četniks" have reportedly committed some of the worst atrocities of the conflict. In the Krajina region of Croatia, for example, members of Šešelj's "Četnik" forces are believed to have participated in the torture of Muslim civilians at the Prijedor detention facility. 257/

174. A former monarchist, Šešelj dropped his support of Prince Alexander when the Prince praised the democratic elections held in Slovenia and Croatia. 258/ He has stated that he envisions a Serbia whose borders encompass all of BiH, as well as Macedonia and Serbian areas of Croatia. 259/ In August 1991, Šešelj told a Der Spiegel interviewer that his troops received weapons from Belgrade. Šešelj's troops are sent "from Belgrade to the crisis areas" in Croatia and BiH. "If there are 20 to 30 Četniks in every village, this is sufficient to encourage the people there", Šešelj said. 260/ Troops loyal to Željko Ražnjatović (Arkan) have been most active in eastern BiH, 261/ such as Zvornik 262/ and Bijeljina. 263/ The "Tigers" have a reputation for extreme brutality. Photographs taken at Bijeljina, for instance, show Arkan's soldiers shooting Muslims and kicking their corpses. 264/

175. The "Tigers", and Arkan himself, allegedly have been involved in organized plunder. A Belgrade journalist who was with the "Tigers" at Zvornik reported that Arkan's troops stole television sets and VCRs. After expelling Muslim families from their homes, they even dug up gardens looking for buried valuables, such as jewelry. 265/ These plundered goods are loaded onto trucks and transported across the Danube to Serbia where they are resold. 266/

176. Although Arkan has described himself as being a "sweet shop proprietor", he is reported to be involved in a number of businesses including a detective agency, a chain of money-exchange shops and gas stations. 267/ Arkan, who was born in Slovenia, reportedly has a criminal record dating back to his teens. 268/ He is alleged to have been involved in bank robberies throughout Europe. Sweden, and other countries, have outstanding warrants for his arrest on charges of bank robbery, attempted murder and other crimes. 269/ According to NIN, Serbia's major news weekly magazine, 270/ the Italian police are seeking Arkan in connection with the 1974 murder of a restaurant owner. The Yugoslav press has also reported that Arkan is suspected of being involved in the 1983 slaying of a Croatian oil company executive. 271/

177. Šešelj's Serbian Radical Party (SRS) and Arkan's Serbian Unity Party (SSJ) have competed in elections for Serbia's parliament. Arkan's SSJ is based in Kosovo and has pursued a militantly anti-Albanian policy. 272/ SRS has a substantial presence in Serbia's parliament, having 39 seats in the 250-seat legislature. Šešelj's party received 13 per cent of the votes cast in the December 1993 elections. Arkan's Serbian Unity Party failed to take any seats. 273/

178. During the 1993 election campaign, Milošević's Socialist Party (SPS) accused SRS and its supporters of committing war crimes against Bosnian civilians. According to an account in Borba, Milošević supporters "furnished allegations and eyewitness accounts" of Četniks under Šešelj's command slaughtering civilians and stealing property. 274/ The allegations appear to have been prompted by a motion of no confidence in Milošević's government that SRS introduced on 7 October 1993. 275/ Šešelj has accused members of Serbia's Socialist party of committing war crimes, as well. 276/

179. Dragoslav Bokan's "White Eagles" borrowed its name from an organization that was active during the Second World War. According to Bokan, it was "the

only orthodox anti-communist movement at the time". 277/ Bokan revived the former organization when he returned from the United States in 1990. 278/

180. The "White Eagles" were active in Borovo Selo, Croatia in 1991. 279/ According to Bokan, his troops operated under the direction of the Territorial Defence units (TOs) established in Serb-controlled territory in Croatia and BiH. Bokan has stated that the "White Eagles" were not permitted to control territory that had been seized. 280/

181. Dragoslav Bokan was arrested in 1992 for the possession of a hand grenade and bullets found in his apartment. He received a suspended sentence of six months imprisonment. 281/ Following his arrest, Bokan severed his relationship with Mirko Jović, the head of the Serbian Renewal Movement (SPO). 282/ When the war in BiH broke out, Bokan said that he "started [his] private war", 283/ and departed for Rajlovac in BiH. Although Bokan has been identified as a suspected war criminal, he has claimed that he does not "belong to [sic] the same bag with the people on the list of Helsinki Watch" 284/ (i.e., Arkan and Šešelj).

182. The paramilitary forces of Arkan and Šešelj appear to have received support from the Serbian government, or agencies within the government. For example, while Serbia's Defence Minister has disavowed any involvement with Arkan, he has indicated that Arkan is protected by Interior Ministry officials. 285/

183. Šešelj has criticized the federal army and has stated that "[w]e retreat immediately if the army appears". 286/ However, he has also stated that his paramilitary forces have received weapons from the JNA, if only "discarded German guns". 287/ Šešelj, as a member of Serbia's parliament, is a public official.

D. The Serbian Republic of Bosnia-Herzegovina: Civilian and Military Officials

184. The top civil and military leaders of the break-away republic have also been identified as having committed war crimes. 288/ For example, Radovan Karadžić, the President of the Serbian Republic, and General Ratko Mladić, Commander of the BSA, may be held accountable under the principle of command responsibility for grave breaches of the Geneva Conventions and for crimes against humanity committed under their direction or with their knowledge. 289/

185. President Karadžić cooperated with Serbian President Milošević in arming Bosnian Serbs. 290/ Karadžić's role in planning "ethnic cleansing" activities with Milošević was mentioned earlier. 291/ President Karadžić has continued his control over the military units that have shelled civilian targets in Sarajevo. 292/ He has also publicly stated that "almost all of the [Bosnian Serb] commanders are under our [the Serbian Republic's] control". 293/

186. Roy Gutman has also reported that close associates of Karadžić have been directly involved in military assaults, such as the attack on Foča in April 1992. 294/ For instance, Velibor Ostojić, a minister in the Serbian break-away government, is said to have

> "conceived and organized war crimes in the Foča region, helped plan and organize the arming of Serbian Democratic Party members, prepared the attack and invited paramilitary forces from Serbia 'to undertake the armed conquest of a large portion of the territory of Bosnia-Herzegovina

and ethnic cleansing through annihilation, terror, persecution, detention, mistreatment and murder'". 295/

187. General Ratko Mladić, a former officer in the JNA, became a commander for the breakaway Serb Republic of BiH in May 1992, just days after he had been assigned to BiH by Serbia's President Milošević. 296/ Before coming to BiH, he had commanded troops in the war in Croatia. 297/ He is known to have ordered the shelling of Sarajevo's civilian areas. 298/

188. Mladić's military campaigns are characterized by fierce artillery barrages designed to level enemy towns. 299/ Colonel Gajo Petković, a former editor of the military journal Narodna Armija, has described Mladić's tactics as "giving vent to his inherent sadism". 300/ Several groups have identified Mladić as a suspected war criminal; most recently, allegations have centred on Mladić's shelling of the civilian population of Goražde which killed 390 persons and wounded more than 1,000 of the city's residents. 301/ It has also been reported that General Mladić has recruited persons convicted of violent crimes to serve in the Bosnian Serb Army. Persons serving lengthy prison terms for violent acts have had their sentences suspended after agreeing to join the Bosnian Serb troops. 302/

E. The Republic of Serbia and the Federal Republic of Yugoslavia: Civilian and Military Officials 303/

189. There is substantial evidence that President Slobodan Milošević and JNA forces have been involved in the conflict in BiH from its inception. Moreover, their involvement has continued.

190. As previously mentioned, paramilitary units operating within BiH are based in the Republic of Serbia and have also conducted "ethnic cleansing" operations within the Republic of Serbia (in Vojvodina, Kosovo, and Sandžak). 304/ Šešelj reportedly has regularly transported plundered goods from BiH across the Danube to Serbia, with the apparent permission of Serb authorities. In addition, paramilitary groups have established training centres in Kosovo, where they operate free from interference from Serbian police and the JNA. 305/

191. The JNA, according to numerous reports, was involved in the conflict in Croatia from its inception. When the Serbs of Croatia's Krajina region declared their independence, there was a massive transfer of heavy weapons from the JNA to Serb paramilitary forces. In addition, there was an influx of supplies from Serbia itself. Serb paramilitary units operating in Croatia have worn federal army uniforms and used JNA topographical maps. They also were able to obtain a large number of sophisticated weapons and vehicles. 306/

192. Coordination between the JNA and local Serb forces was apparent in the destruction of Vukovar in 1991. A mass grave found at Ovcara is thought to contain the remains of at least 200 Croats who had been taken from a Vukovar hospital, summarily executed, and buried in a shallow grave.

193. According to military analyst James Gow, after the FRY announced its withdrawal from BiH in May 1992, its assistance to Bosnian Serbs continued. The Belgrade government, for example, continued to supply Bosnian Serb troops. Gow has stated that "General Ratko Mladić maintained daily contact with both the Bosnian Serb and the federal Yugoslav Defence Ministries in Belgrade; and officers in the field claimed that they could not hold their fire until they received orders from Belgrade". 307/

194. Milan Vego, writing in Jane's Intelligence Review, has also reported that the defence plan adopted by JNA in 1992 called for the federal army to protect Serbs outside of Serbia. 308/ The plan called for the transfer of JNA's

> "command structures into Territorial Defence Units and supplying these forces with small arms, artillery, armour and missile launching systems. The Ministry of Defence of the self-proclaimed Serbian Autonomous Regions (SAO) in Croatia, Bosnia and Herzegovina was subordinated to the Serbian Ministry of Defense." 309/

195. According to UN observers, the JNA's involvement has been even more direct. For example, a Yugoslav army jet was observed as it dropped a cluster bomb on a Muslim-controlled hill near the centre of Sarajevo in June 1992. 310/ UNPROFOR officials have also stated that the JNA has been directly involved in the attacks on Srebrenica. According to a US Senate Committee report, JNA artillery units positioned themselves in Bratunac, or Bosnian territory, in order to better target the city. 311/

196. Reports from military analysts also indicate that Serbian forces in BiH regularly receive supplies and military equipment from Serbia. This includes fuel for aircraft, tanks and armoured vehicles. Serbian tractor-trailers, including oil tankers, reportedly deliver supplies to BiH on a daily basis. Serb vehicles transport these supplies and equipment from north-west BiH, across the Drina River to Bijeljina and then to Banja Luka and other cities in western BiH. 312/

197. For the military discussion, and the implementation of the policy of "ethnic cleansing", see Annex III, Military Structure; Annex III.A, Special Forces; and Annex VIII, Prison Camps. The case-study of Zvornik follows in this Annex and the case study of Prijedor is contained in Annex V.

198. In August 1994, President Milošević tacitly admitted that the Belgrade government had supplied arms to Bosnian Serbs. In announcing that it would severe most political and economic links to Serb-held portions of BiH, Milošević stated that the self-proclaimed Bosnian Serb state "would not survive" without aid from Serbia. 313/ News reports of the embargo imposed by Serbia on Serb-controlled territory in BiH noted that Milošević's government has been the "principal source of weapons, supplies and political support" for Bosnian Serbs. 314/

Part Three

REPORT ON "ETHNIC CLEANSING OPERATIONS" IN THE NORTH-EAST BOSNIAN CITY OF ZVORNIK FROM APRIL THROUGH JUNE 1992

I. INTRODUCTION

199. This report reconstructs the genesis and pattern of the expulsion ("ethnic cleansing") of nearly the entire Muslim population of the city of Zvornik. While attempting to evaluate events in a detailed and chronological manner, the investigation focused primarily on the identification of those responsible for the military operations, for war crimes and for human rights violations. The study also sought to identify a likely structure or distinct system of operations, ranging from the attack on the city to the expulsion of its Muslim citizens.

200. The investigation relied on information that the Ludwig Boltzman Institute for Human Rights (BIM) obtained from a preliminary evaluation of 500 interviews which were part of an interview study of some 900 Bosnian refugees from the Zvornik region. It was conducted within the context of the research project "Human Rights Violations in Bosnia-Herzegovina and Perspectives for Repatriation and Integration of Bosnian Refugees" (subsequently "BIM-project"). In addition, complementary information was obtained from additional interlocutors, as well as from 31 in-depth interviews conducted by the BIM.

201. The Institute designed a complex questionnaire using open and closed question techniques, as well as a special "check list" available to the interviewers only. The purpose of the latter was to double-check and question events and reports recounted already once, and to clarify remaining questions. The BIM interviewed individuals whose names and addresses were known to the Institute, and who are knowledgeable about the events described in this report. Some of the interviewees had occupied key positions in the socio-political life of the city.

202. In one part of the questionnaire the respondents were asked to identify the groups participating in the military attack and in the expulsion units of the former Yugoslav People's Army (JNA) and paramilitary units. Furthermore, respondents were asked to render these troops' positions during the military operations, and to describe any likely cooperation between the single units.

203. The expelled respondents were also asked to reconstruct the course of the events in chronological order. The following phases were identified for this purpose:

(a) Phase 1: The time prior to the attack.

(b) Phase 2: The attack itself from 8 to 10 April 1992.

(c) Phase 3: The time up to the fall of Kulagrad on 26 April 1992.

(d) Phase 4: The time after the fall of Kulagrad until 15 May 1992.

(e) Phase 5: The time after 15 May 1992.

204. Subsequently, the expelled respondents could recount freely how they had experienced the individual phases, with particular focus on the behaviour of units of the former JNA, the paramilitary troops (former territorial defence units and guerilla units), the members of the militia, and the Serbian Democrat Party (SDS), all of which stayed in the city. The interviewers initiated the response to each phase asking the following question: "Please describe as exactly as possible how you experienced the respective phase". In addition, the interviewer could use the above-mentioned "check-list" on every phase to complement the open-question technique, if necessary. Furthermore, structured questions had been prepared regarding important events during the attack, as well as during the occupation (ultimatums, call to return after the first escape wave, forced registration, forced expropriation, deportation, detention in camps, war crimes, human rights violations, etc.).

205. During the interviews, the expelled respondents could rely on two city maps: one of the city of Zvornik itself and the other of Karakaj industrial area situated outside the city limits. These maps served to identify the positions of the troops participating in the attack, the starting points, targets, and the developments of the military operations, as well as the site of "concentration camps", particularly in Karakaj.

206. The interviews were conducted by experienced, bilingual interviewers, who had been particularly trained for the special requirements of the report. They took place in the Austrian federal states of Vienna, Lower Austria, Styria, in the refugee camp near Gabelkovo, Slovakia, and in the refugee shelter in Dûsseldorf, Germany, between 10 and 28 March 1994. The interviewers themselves translated the records from the Bosnian or Croatian language into German.

II. SOCIODEMOGRAPHIC DATA

207. According to the 1991 census data, the district of Zvornik had a population of 81,111: 48,208 (59.4 per cent) of which were Bosnians Muslims and 30,839 (38 per cent) were of Serbian nationality. A total of 14,600 people lived in the city of Zvornik, 8,942 (61.0 per cent) of them were Bosnians Muslims, 4,281 (29.2 per cent) of the Serbian nationality, 74 (0.5 per cent) of Croatian nationality, and 1,363 (9.3 per cent) were defined as "others".

208. The following additional municipalities are relevant for the study: The municipality of Jardan north of Zvornik, which includes the towns of Jardan and Lipovac, had a population of 2,503, with a 53.1 per cent share of ethnic Serbs, and a 46 per cent share of Bosnians (Muslims). These villages were situated at the border to the industrial area of Karakaj, where JNA units were stationed prior to the attack; later the "headquarters" of both the "Serbian militia" and the JNA units were moved there, and several camps were established. The municipality of Čelopek, situated north of Jardan, had a population of 1,894, of which 93.1 per cent were of Serbian nationality and 6.3 per cent were Bosnians (Muslims). Well before the attack, units of the former JNA were stationed in Čelopek.

209. In 1981, a total of 27,095 (38.5 per cent) people held jobs - 9,487 of them in the farming and forestry sector and 18,308 in the non-agrarian sector. The total number of self-employed was 2,202. The "Birac" company in the industrial area of Karakaj was the biggest single local employer. It produced preliminary material for aluminum production (it was one of the biggest producers world-wide and part of the "Energo Invest" concern in Sarajevo).

III. STRATEGIC SITUATION OF ZVORNIK

210. Being a border town situated at the Bosnian-Serb Drina river, Zvornik had a strategically important position. It is significant because Bosnia and Herzegovina and Serbia are linked at that point not only through a road bridge between the Zvornik urban area and the Karakaj industrial zone, and another one in Zvornik itself, but also via a railroad bridge between Karakaj and the town of Čelopek. Thus, Zvornik represents an important link along the Belgrade-Sarajevo line, as well as within the Belgrade-Tuzla line.

211. Control over Zvornik meant that possible troop or logistical movements from Serbian territory towards Tuzla or Sarajevo could be accomplished without any hindrance. The early deployment of units of the former JNA indicates that the plan to secure control over the two corridors of Belgrade-Tuzla and Belgrade-Sarajevo, via control over Zvornik, was pre-conceived. For the Bosnian side, Zvornik was strategically important only in a defensive sense, i.e., to interrupt the above-mentioned supply lines. Moreover, because of its geographic location, Zvornik was not relevant to the armed conflicts and military movements within BiH and Herzegovina.

IV. MILITARY SITUATION (JNA AND PARAMILITARY UNITS)

212. Apart from units of the former JNA, paramilitary units (guerilla-type units, "volunteers", and members of the former Territorial Defence units (TO)) participated in the attack as well as in the ensuing occupation of the city. The following formations could be identified as the main participants:

A. JNA

1. Identification

213. Officially, there was no garrison of the former JNA in the Zvornik district. The Zvornik region itself was controlled by the 17th Corps Tuzla. Up to the fall of 1991, the 17th Corps consisted of 3 brigades and one partisan brigade, and was part of the First Military District of Belgrade.

214. After the re-organization of the JNA in the spring of 1992, it formally fell under the command of the Second Military District of Sarajevo, but most likely continued to be led by the First Military District of Belgrade.

215. By the turn of the year 1991/1992, preliminary tank units (apparently from the abandoned Jastrebarsko garrison in Croatia) were stationed near Zvornik. By February or March 1992 (at the time of the referendum on independence), additional units of the former JNA-tank units and artillery and anti-aircraft positions were stationed in the Zvornik region. Initially, the tanks still carried the JNA emblems. It was only later that they were replaced by the Serbian flag and the coat-of-arms emblem. But, the troops themselves, officers and soldiers, had Serbian badges (showing a Serbian flag on the front part of the beret and on the upper arm).

216. On the Serbian side of the Drina river bank, various tank positions could be identified as well. Additional forces, including artillery, anti-aircraft weaponry, and tanks were being positioned there.

2. Units involved

217. According to witness accounts, former JNA troops from the following garrisons were involved during the attack:

(a) Garrisons

(a) Tuzla (BiH): some of the tanks used in Zvornik were part of the units which were transferred from Jastrebarsko, Croatia to Tuzla.

(b) Bijeljina (BiH) 315/: The infantry divisions of the former JNA were reserve units of the mobilization base, Bijeljina.

218. Members of the units from Tuzla were already stationed near Zvornik, particularly on the Bosnian side of the Drina river bank, prior to the attack. In Čelopek, in the "Dom Kulture", there were "small barracks" housing roughly 100 soldiers (infantry unit); moreover, there were also barracks in "Novi Standard" in Karakaj, which purportedly housed more soldiers than the ones in Čelopek. According to accounts by some of the individuals interviewed, the soldiers accommodated in both towns were from Tuzla; even General Janković from Tuzla is said to have visited the unit. But there is also some evidence that the infantry units in "Novi Standard" belonged to a newly-formed so-called territorial defence force (see B. Paramilitaries, below), while the one

at the "Dom Kulture" in Čelopek was the reserve unit from Bijeljina. Another facility for soldiers was said to have been located in an apartment building in Meterize. Soldiers were put up in the workers' apartments of the "Birac" company, while the Muslim population was expelled.

219. The planes and helicopters which participated in the aggression are also reported to have come from Tuzla.

(a) Novi Sad (Serbia) 316/

(b) Šabac (Serbia)

(c) Sremska Mitrovica (Serbia) 317/

(d) Valjevo (Serbia) 318/

220. Prior to the attack, these units were partly stationed along the Serbian side of the Drina river bank, and partly on the Bosnian side. They further participated in the attack on Zvornik, operating from Serbian territory. One unit from Šabac purportedly was housed in the "Dom Kulture" in Mali Zvornik. It was further claimed that there was a "small barracks" also in Radalj north of Mali Zvornik.

(a) Niš (Serbia) 319/

221. There were indications that a "special unit" from Niš might have been involved in the attack on Zvornik and later on Kulagrad. This could have been part of the 63. Airborne Brigade NTS of the "Special Task Corps Belgrade". It was specially trained to handle "issues pertaining to the policies of domestic security".

222. Infantry units which had been withdrawn from the combat area in Croatia (Vukovar) and which were reported to have been involved in the aggression against Zvornik could not be allocated in greater detail.

3. Commanders

223. A number of commanding officers were reported, but their names were not included for confidentiality and prosecutorial reasons. Zvornik was part of the second Military district of the JNA after its reorganization.

4. Armament

(a) General

224. Canons 122 millimetres and 130 millimetres; howitzers 60 millimetres, 80 millimetres, and 120 millimetres, T 12; Anti-aircraft artillery; Samohodka; Tanks T 55, T 84, T 72 and 3 "Marda(er)" armoured personnel carriers with 2 automatic canons; T 54, T 55, T 34, older versions; transporters; 2 kinds of anti-tank grenade launchers; Machine-guns M 70A and M 70B; hand grenades fired from M 59 and M 66; (portable) mortars; knives and bayonets.

(b) Infantry

225. Machine-guns M 52, M 65, M 66, M 70A, M 70B, M 72; hand grenade launchers Zolja; kalashnikov; knives.

(c) Air Force

226. MIG 21 and Mig 29, Jastreb with machine-guns and gunners, Gallop, "Eagles" (aerial photographs); helicopters MT 6 or MT 8, actually only for procurement of food and weapons (except for an attack operation against Liplje and Sekovici on April 9 around 12:00) MT 9, Gazella.

B. Paramilitary units

1. General remarks

227. Paramilitary units, except for Arkanovci, were under the authority of two identified JNA officers. However, regarding their non-military actions, the paramilitaries operated without any reservations, particularly when murdering or looting.

228. Apart from the Arkanovci, who participated in the attack, the most important paramilitary units were the "territorial defence units" (TO), the Šešeljovci, and the Beli Orlovi. It was not possible to distinguish these three units clearly from each other, nor from the infantry divisions of the former JNA.

229. Regarding the infantry units, there is evidence that these units were not only composed of the "regular members" of the former JNA and of mobilized reserve forces, but also of "volunteers". Several of the individuals interviewed said that they had noted that prior to the attack, (i.e., in March 1992), and throughout the attack, the soldiers--and, some claimed, officers as well--no longer wore the badges of the former JNA. Instead, they had Serbian badges and cockades. However, at that time, the vehicles and machinery still had the old Yugoslav identity symbols. Moreover, many soldiers wearing "old JNA uniforms", used a "white band" on the upper arm as additional identifying marks. This identification only made sense if somebody wanted to distinguish himself from the uniformly dressed soldiers. At the time of the attack on Zvornik and during its occupation, such a distinction was only relevant if one stood out among "other JNA units", or among "forces in JNA uniforms" which participated (with the "Serbian side") in the attack, since a Muslim counterpart did not exist in this form. Furthermore, the soldiers wore long beards, which would not have been permitted for a regular member of the former JNA. Moreover, the description of how these units looked and where they were stationed corresponded to the description and location of the "territorial defence units", the Šešeljovci, and the Beli Orlovi, provided by other respondents. Members of the latter three units have also frequently taken part in the attack in composite units.

230. Some of the officers of this reserve infantry unit came from the Zvornik region while at the same time being well-known SDS activists.

231. In addition, respondents said they had recognized the same persons from the surrounding towns in Serbia proper showing up one time with the Šešeljovci, another time with the Beli Orlovi, and then again with the "volunteer forces".

232. The so-called "territorial defence" (TO) was reportedly integrated into the infantry units of the JNA at a later point.

233. Most of the members of the Beli Orlovi could be recognized by their "white eagles". The Šešeljovci could be recognized because of the fur caps and cartridge bands which they carried in a cross-shaped manner over their chests.

234. Thus, it is fair to assume that an essential part of the infantry belonged to the newly-formed "territorial defence units", which purportedly were established for the Zvornik region approximately six months prior to the attack on the city.

235. Nevertheless, a differentiation of these groups has been made below. Regarding the units of the former JNA, it was assumed that infantry units had already existed.

2. Territorial Defence (TO)

236. Shortly after the dissolution of the Yugoslav territorial defence in BiH (in the fall of 1991), SDS leaders in Zvornik began recruiting, equipping, and apparently also training a new "Serbian territorial defence". Most of their members came from Serbian villages (Čelopek, Šćemlije) near Zvornik, or from Serb-populated parts of Zvornik (Lisičnjak). Its commando base was in Karakaj.

237. However, many of those interviewed also pointed out that the TO's headquarters was reportedly in Lisičnjak. The unit itself stayed at the "Novi Standard" in Karakaj. These forces wore old JNA uniforms. Like all other paramilitary units, they cooperated with the JNA and honoured their command. Being locals, they could have had a special role, i.e., as informants for the military officers, and later in the looting and the turning-over of rich and important Muslims to the Arkanovci. The TO arrived early in the attack, shortly after the arrival of the Arkanovci.

3. Arkanovci ("Srpska Dobrovoljačka Garda"/"Serb Volunteer Guard")

238. Their hair was cut short, and they wore black woollen caps, black gloves cut off at mid-finger, and black badges on the upper arm. According to descriptions by other witnesses, they wore multi-colored uniforms, red arrows, knit caps, a badge showing the Serbian flag on the right arm, and an emblem showing a tiger and the words "Arkanove delije" on the shoulder.

239. A main characteristic was their strict disciplinary code. The supreme command was held by Arkan. Other well-known figures apart from Arkan included "Rambo" (Arkan's brother-in-law, who was killed in the battles over Kulagrad) and a number of identified persons who committed and ordered torture, killings, and other violations.

240. The Arkanovci, and in particular Arkan himself, are unanimously described as the key figures in the attack. During the actual attack operations, Arkan's standing was reportedly above that of the commanders of the former JNA, as well as that of the leading figures of the local SDS.

241. Arkan reportedly arrived in Zvornik on 8 April. It has been confirmed that he not only participated in "negotiations" on Zvornik's future on 8 April and the following day, but that he actually dominated those talks. An ultimatum for the surrender of the town and of the weapons in the morning of 9 April was reported to have been announced by Arkan himself. Members of the Arkanovci were reported to have been present in the city since the end of March.

242. Their participation in the fighting began on 8 April with mortar fire and attacks by snipers located in Mali Zvornik. They conquered the city and assumed control of it on 9 April. They conquered the most important bases and took control of the city until they could hand it over to the Serbian

administrators. Throughout the battle, the Arkanovci were supported by JNA artillery and logistics.

243. Later the securement of the city was taken over by other groups, Šešeljovci, Beli Orlovi, the so-called "territorial defence", and "volunteers" from neighbouring towns in Serbia. After the occupation of the city (10 or 11 April) the core troops left Zvornik, but later returned when necessary, as was the case with the attack on Kulagrad.

244. The Arkanovci were highly mobile and had many privately owned vehicles. Apart from their "military tasks", the Arkanovci were responsible for many of the atrocities and lootings. Arkan himself ordered Muslims and patients from the hospital to the execution sites. They were responsible for mass killings and murders. For example, Arkanovci murdered 4 men in the house of Salim Donjić, and committed massacres in Zamlaš and Hrid (about 150 people). In the morning of April 9, they were said to have committed another massacre in Vidakove Njive and at the access road in Zvornik. Also, they purportedly committed a massacre in the "Klempić" coffee house that same morning. However, this might refer to the same massacre, as the coffee house was situated in the direction of Vidakove Njive.

245. They had a reputation of being extremely cruel. There is indication that they had lists containing the names of rich Muslims whose gold and money were stolen. Local Serbs were accused of having drawn up these lists. For example, the Arkanovci were reported to have been accompanied by local Serbs during the first few days as they went from house to house, killing and raping the residents and looting the buildings. The "right to be the first to loot", which they apparently enjoyed, obviously served as a means of "payment".

246. Their armament included: guns and grenades; automatic rifles M 70A, M 70B and US rifles, "Škorpion" rifles, hand grenades; anti-tank launching grenades; ropes for choking people; long "Rambo-style" knives; only light weapons; bullet-proof jackets.

4. Šešeljovci

247. They are described as "bearded" men. They wore Serbian military berets with the Serbian flag on the front side, or black fur hats with a Serbian cockade. A further identifying characteristic was their ammunition which they wore in a cross-shaped manner over their chests, and the hand grenades on their belts.

248. The leaders wore a giant pointed fur hat with a coat of arms. Several of them were identified.

249. Reports said they were always drunk, and they always recruited additional new people, criminals, or "weekend fighters". They are said to have been particularly active as regards violence against civilians.

250. It was difficult to identify their headquarters. Some mentioned the "Standard" in Karakaj, the companies "Inžinjering", "Alhos", and "Vezionica" in Karakaj, the hotel "Drina" and the pre-school in the radio station.

251. Members of the Šešeljovci were already present as civilians prior to the attack. It is further reported that Šešelj himself had been in Zvornik to meet with his local party friend Boško Ceranić. They participated in the attack very early on and stayed involved throughout the entire period of the occupation until the seizure of Kulagrad. They assumed control of various

parts of the city and were responsible for lootings everywhere. They always cooperated with the JNA, both with regard to strategy and command structure.

252. Their armament included: automatic rifles M 59, M 66, M 70A, M 70B; long, curved knives, hand grenades; ammunition worn in cross-shape over chest.

5. Beli Orlovi (White Eagles)

253. They were sloppily dressed and wore uniforms from various JNA stocks, or civilian clothes, and had a white eagle badge on the cap and the upper arm. For the most part they came from surrounding towns in Serbia (Loznica, Valjevo, etc.). Their headquarters, too, was hard to locate. They reportedly have stayed in the "Alhos" together with the Arkanovci, and in the "Jezero" hotel.

254. They only participated (like the Šešeljovci) in the second wave of the attack. Their "task" was to assist in the fighting, and to secure strategic points. They participated in the shelling, siege, and occupation of the city, as well as in the later attack on Kulagrad.

255. Apparently, however, they were primarily responsible for arrests, deportations (securing of deportations), and looting. They were frequently seen near road crossings, in the streets, etc., drunk or provocative. They repeatedly held up or arrested "suspects" on the street, or took what the Arkanovci had left after pillaging the city. They drew white eagles on houses and storage buildings, and it was forbidden to remove them. They cooperated with the JNA.

256. They had only light weaponry (no details given).

6. Draganovci

257. The Draganovci of "Kapetan Dragan" (Captain Vasiljković Dragan) was another important unit. Although it did not participate in the attack, it played a key role later in the occupation of Zvornik. Members wore red (French) berets, were rather well disciplined and dressed properly. Their commander "Kapetan Dragan" was described as second in importance to Arkan. The Draganovci arrived at the end of May and participated only occasionally in the fighting. Their "main task" was patrolling the city, executing deportations, and intimidating the population. Their headquarters was at the hotel "Vidikovac" in Divič.

258. They had only light weaponry (no details given).

7. Other formations

259. Other formations participating during the entire course of the raid included: Anticevci (who are being blamed for one massacre in the district of Srpska Varoš on 15 April); special forces of the local Serbs wearing a stocking tied over the knee; Serb volunteers from Loznica, Šabac, Valjevo (dressed in black), who may have been part of the Beli Orlovi; the "Dušan Silni" unit which also may have been part of the Beli Orlovi; the Group of Pusula from Rastošnica, a Group from Padinska Skela (prisoners; big black hats with shining ribbons; cowboy-look); and the Vukovarci.

260. Many partisans, particularly from the towns of Loznica, Valjevo, and Šabac, apparently came to the city as part of several groups (Šešeljovci, Beli

Orlovi, "volunteers"), and at various times. All of these partisan units carried only light arms.

V. CHRONOLOGY

261. For a chronology of the aggression, the following classification was used: after a brief outline of the time preceding the attack, the period of the aggression is differentiated along two lines of development. The first line covers the military events, i.e., the (military) attack on Zvornik and the decisive attack on Kulagrad just two weeks later. The second line illustrates the civilian development in the town, which can be clearly split into different phases that are linked to the military developments. Accordingly, the crucial moment in the civilian development line is the attack on Kulagrad on April 26. A further decisive disruption of civilian life occurred in mid-May.

A. The time before the attack

262. As could be observed in the context of the BIM project, social life between the various ethnic groups rapidly deteriorated in the months before the attack. There were tensions in the workplace, at school and in the neighbourhood. Each ethnic group began to distance itself from the others. There was an increasing militarization of the society, and the Serbian side was suspected by the respondents to have been informed about any kind of impending action.

263. There are various pieces of evidence indicating that both the attack and the expulsion of the Muslim population was pre-planned.

264. About 2-3 months prior to the attack, military training exercises lasting up to 2 weeks were conducted in Osmaci near Kalesija and other villages. The JNA organized these exercises and only Serbs were invited under the pretext that the TO had to be trained.

265. Already in the weeks prior to the attacks, members of all ethnic groups procured weapons for their personal use. According to those interviewed, Serbian citizens of Zvornik obtained their weapons mainly through the SDS or the JNA, while the Muslim population procured weapons through "private channels". 320/

266. In regard to the month of March preceding the attack, there was agreement among the respondents--and this was also consistent with the results of the BIM project--that many Serbs left the city for the weekend, but showed up back at work on the following Monday. It cannot be proven that this was an SDS-organized training exercise for the evacuation of Serbian citizens in the event of an actual attack on Zvornik. However, there were strong reasons to assume that this was an organized action. For example, a majority of Serbian families had left town over the weekend. Likewise, women and children of Serb nationality were away from the town when the attack began.

267. In the days preceding the attack, respondents were repeatedly warned by Serbian friends and colleagues that they had better leave the town rather soon. This supported the assertion of many respondents that the Serbian inhabitants of Zvornik had been informed about the attack, at least on short-notice.

268. On the weekend before the attack (4 or 5 April), a barricade was erected near Meterize by Serbs using company trucks owned by the firm "Boksit" (a

bauxite pit at Milići, 30 km south of Zvornik). On the following day, 6 April, Muslims were prevented from going to work. Additionalluy, students going to the technical training centre at Karakaj were forced to turn back at the barricade.

269. These events, as well as the fear of a military conflict, were also causing many Muslim families to leave the town via the Old Bridge. In reaction to the Serbian barricade, the Muslims erected a barricade of their own at the same site which was composed of trucks and protected by the Muslim police and by armed volunteers. Initially, however, there were only verbal conflicts going on at the barricades. Demonstrations were held at the barricades, in the course of which members of all ethnic groups advocated a state of peaceful coexistence.

270. On 6 April, a few days before the attack, the local police force was divided. The police headquarters in Zvornik was liberated by the Serbian police staff, who transported the weaponry, equipment and vehicles to the industrial zone of Karakaj in the north of Zvornik. In the weeks before that, there had still been joint patrols driving around the town and at the bridges in order to demonstrate the togetherness of the two ethnic groups.

271. Already, on 6 and 7 April, a large part of the Muslim population of Lipovac and Karakaj fled to Zvornik. On the evening of 7 April, i.e., one day before the attack, the large numbers of JNA units present were explained by the Belgrade TV station as being due to an impending attack by "Muslim extremists" positioned on the Kulagrad hill.

272. On 8 April, negotiations took place in Mali Zvornik between the SDS from Zvornik (Branko Grujić), the Party of Democrat Action (SDA) from Zvornik (district president Asim Jusbašić), and Arkan. The talks reportedly aimed at a "peaceful surrender of the city", i.e., a "capitulation by the Muslim population". Moreover, the two representatives from Zvornik apparently reached an "agreement" which aimed at dividing the city. The centre of the city of Zvornik would remain "Muslim", while the northern part, including the Karakaj industrial zone, would be "awarded" to the Serbs. According to one person interviewed, who had briefly talked with the chief negotiator of the SDA shortly after the meeting, the SDS and the SDA agreed to this scenario. However, the SDA representative still feared an attack, since Arkan was said to have been dissatisfied with this meeting and reportedly announced that he would take charge of things from then on. According to similar reports, Arkan even attacked the two other individuals. In the morning of 9 April, negotiations were also conducted in Mali Zvornik, but they were not successful. This pattern of negotiations was designed to calm the other side, while concurrently preparing a military attack, which had been observed on the international level, was thus applied locally as well.

B. The attack on Zvornik

273. The military attack on Zvornik occurred on 8 April. Later, there were sporadic military operations with units of the former JNA cooperating with paramilitary units. These operations mainly focused on the medieval fortress of Kulagrad, situated to the south-west of Zvornik, where some dozen resistance fighters were holding out. However, on 26 April, this fortress was conquered in a concerted attack by former JNA troops, with air support, and by paramilitary units. Immediately after the fall of Kulagrad, the town of Divič, situated south of Zvornik, was attacked. Divič was almost exclusively populated by Muslims and was situated at the hydro-electric power plant. Since Divič could also be controlled from Kulagrad, the aggressors did not consider a decisive attack on Divič possible until after the capture of

Kulagrad. Divič was also considered a "Muslim stronghold" from where strong resistance could be expected, and where the power plant dam might possibly have been mined.

274. The attack on the town was conducted both from the Serbian side and from Bosnian territory, using tank forces, artillery, and infantry units with portable mortars. JNA units and paramilitary units cooperated. Arkanovci operated in front-line positions, taking the city. Their core troops left the city after the successful attack to prepare a raid on the next city, Bratunac.

275. The attack began on the morning of 8 April, with mortar fire on the Bukovik and Meterize city districts, as well as on the Muslim-held defence positions on the Debelo Brdo hill. It came from the artillery positions in Karakaj, from the Bosnian side before Meterize, and from the Serbian side of the River Drina (Mali Zvornik). First shots were fired in the Meterize suburb. This attack was mainly carried out by the heavy equipment of the JNA (artillery and tanks). There are also reports of Arkanovci snipers firing from Mali Zvornik on the opposite river bank, and of snipers aiming at residents from positions on highrise buildings in Zvornik itself. The Muslim position on Debelo Brdo, however, fell on that same day and was occupied by the aggressors.

276. During the night there was heavy shelling of the town. The capture of the city did not begin until the following day, 9 April. In the morning, there were again negotiations with Arkan, which ended in an ultimatum for the surrender of weapons and the town by 8:00 a.m. At 8:00 a.m. artillery fire started again, followed by the capture of the town by the infantry. The Arkanovci assumed a leading role in the take-over of the city, proceeding from the north via the Bukovik and Meterize city districts heading for the city centre. In addition, infantry units of the JNA in cooperation with "Serb volunteers" (Šešeljovci, Beli Orlovi, "TO") also took part in the seizure of the city. They approached the city primarily from the west--from Šćemlije and Lisičnjak in a "second wave". It was reported that on the very first day, as well as during the subsequent weeks, there were random executions, rapes, and massacres. In these, the units of the Šešeljovci, Beli Orlovi and the so-called "territorial defence" were also involved. On 10 and 11 April, Zvornik was captured. The Kulagrad fortress north of Zvornik and the town of Divič bordering Zvornik to the South had not yet been occupied.

C. The attack on Kulagrad and Divič

277. Kulagrad is a settlement in the vicinity of a medieval fortress on the Kula hill, located on the south-western outskirts of Zvornik. In view of the geographical location of Zvornik and the strategic positioning of the attacking units, there were only two escape routes open to the population after the beginning of the artillery fire: either to the east across the Old Bridge to Serbia or in a south-western direction via Kulagrad and Liplje to Tuzla. Kulagrad and Liplje were only used as short stopovers and, during the period after the attack, had to accommodate highly fluctuating numbers of refugees.

278. On 9 April, artillery attacks on Kulagrad started as the attacking units were expecting major Muslim resistance forces. Even before the attack, Serbian media reported that "several thousand Muslim extremists" were hiding in Kulagrad. In fact, there were probably no more than a few dozen armed Muslims under the command of a former JNA officer who spontaneously organized a resistance movement with light equipment (small arms).

279. From 11 April onward, there were almost daily attempts by small combat groups from various paramilitary units to capture the fortress. These attempts failed, however, despite the fact that Kulagrad was constantly under fire from mortars, anti-aircraft guns and tanks. The reason for this failure might be due to the apparent lack of coordination of the attacks, as well as deficiencies in the training of the infantry units involved.

280. On 25 April, an identified senior JNA officer presented an ultimatum to the inhabitants of Divič to turn in their arms. The defenders of Kulagrad had been given a number of ultimatums since the beginning of the attack on April 11. The last ultimatum came on 26 April, the day of the decisive attack on Kulagrad.

281. In the morning of 26 April, the villages around Kulagrad were the first to fall in the wake of a concerted attack. At the same time, Kulagrad and Divič were attacked by heavy artillery fire from the Serbian bank of the Drina river. This enabled the attackers, who this time had coordinated their actions, to capture Kulagrad. The units were able to approach the fortress from all directions, including from the power station in the south. In addition, the attack was conducted more effectively. Some respondents stated that a special unit, possibly members of the 63rd Niš parachute brigade, were involved in the decisive attack and the seizure of Kulagrad.

282. The Muslims remaining in Kulagrad, along with the other inhabitants and refugees in Kulagrad (approximately 100 persons), left town at approximately 10:30 a.m. together via Liplje in the direction of Tuzla. In Liplje, they were only able to stay very briefly, as later that afternoon this village was also taken by the aggressors without any resistance. On the same afternoon, paramilitary units marched into Divič and pillages were reported. Some time later, Divič was also occupied by the JNA.

283. Thus, the attack on Zvornik and the capture and occupation of the city took place before 5 May (i.e., prior to the time when the Yugoslav national Presidium officially gave up the supreme command over the units of the JNA in BiH). Those troops originating from "left-over Yugoslavia" were given orders by the Belgrade national Presidium to withdraw from BiH.

VI. CIVIL DEVELOPMENTS IN ZVORNIK AFTER THE ATTACK

A. From the aftermath of the attack on Zvornik until the fall of Kulagrad

284. Control over the "civil administration" was first in the hands of the so-called "emergency staff" which above all included members of the local SDS and the militia. Some of these persons were also integrated into the so-called "territorial defence". On the basis of a document, it becomes clear that the "emergency staff" not only was in existence on 8 April, but had already decided on an "ordinance on the introduction of the general work requirement" within the borders of the Serbian district of Zvornik. All workers were required to report to their employer. However, already during the early days of the aggression (around 10 April), a "Provisional Government" of the so-called "Serbian District of Zvornik" was founded.

285. A few days later (around 10 or 11 April) the above-mentioned "ordinance on the introduction of the general work requirement", along with an extension of the deadline, was broadcast by Radio Zvornik. But this appeal was not followed either, as there were still numerous paramilitary troops in town who were looting and terrorizing the locals. Therefore, the appeal was broadcast once more a few days later (approximately 15 or 16 April). The overall

response to these appeals was however rather poor. The experiences of those who did follow the appeal to return to the workplace showed that the true purpose of this appeal, and of others that followed, was to monitor the male Muslim inhabitants.

286. Immediately after the occupation of the town, a night curfew was imposed which remained in force until the "ethnic cleansing" was completed. During the day, men were allowed to move around only with a permit issued by the Serbian police 321/ at Zvornik. Many of the men who went to Karakaj (or later to the police office in Zvornik) in order to apply for a "permit" were suddenly deported into one of the camps in the industrial district of Karakaj. While at the camp, they were subjected to severe torture and murder, in particular by members of the paramilitary troops whose quarters were partly in the same buildings as those in which the prisoners were detained. 322/ The detainees were entirely at the mercy of their torturers. 323/ Many of the men, therefore, did not dare to pick up their passes themselves, but remained in hiding in houses. However, even persons with a pass were not safe from random aggressions by the numerous paramilitary units in town. It was reported by some witnesses that immediately upon leaving the police station, they had their passes taken away or torn into pieces by members of a paramilitary group. Some of them were attacked and deported into camps.

287. Women were permitted to leave the house during the daytime in order to go shopping. However, they were obliged to cross the old bridge to Mali Zvornik (Serbia) as the stores in Zvornik had already been looted. At the check-points on the bridge, the women were frequently molested. There were also several reports of rape.

288. From the onset of the occupation, Muslims were prohibited from working, except for persons deemed indispensable by the aggressors (e.g. hospital personnel, who were not released until the end of May). Everyday life was dominated by the fact that maraudering paramilitary troops, who were not controlled by any authority, terrorized the Muslim population of Zvornik.

289. There is little available data on the behaviour of the local Serb population because the respondents were almost exclusively Muslims. Also, there were only a few Serbs left in Zvornik at the time of the attack. When asked why they thought the Serbs had left town during that period, many respondents expressed a suspicion that the Serbs "had been fully informed" and had therefore left town in time before the attack. This suspicion is substantiated by the fact that some of the Muslims were warned by Serbian friends about an impending attack. Apart from that, local Serbs took part in numerous acts of violence in town as members of paramilitary groups and units of the police and the SDS. Apparently, it was disadvantageous for local Serbs to talk to the Muslim inhabitants. However, there were also reports indicating a positive behaviour on the part of the Serbs. These reports included cases of food being supplied as well as the much-cited example of a young Serbian woman whose throat was cut by fighters of paramilitary units when she tried to protect her Muslim friends.

B. After the fall of Kulagrad

290. There is agreement on the fact that after the fall of Kulagrad the situation in Zvornik became less strained. Many members of the paramilitary units, as well as parts of the troops of the former JNA, were reported to have left town by the end of April. Many of the Serb inhabitants who had also fled from Zvornik returned to town. The SDS started to organize an administration in the new "Serbian District of Zvornik".

291. At the end of April, probably immediately after the fall of Kulagrad, the "Serbian District of Zvornik" issued a further appeal for the Muslim refugees to return to Zvornik. On the basis of a large number of consistent reports, the message of the appeal could be summarized as follows: the situation in town was back to normal and everyone would be able to return unharmed. Any personal property would have to be registered with the Zvornik police by 15 May as it would otherwise fall to the "Serbian District of Zvornik". This appeal to return was broadcast daily for a period of approximately two weeks by Radio Zvornik, Radio Loznica and, most likely, also by the Belgrade TV station in a variety of versions. The appeal was more successful with the escapees than an earlier appeal to return to the workplace.

292. The fear of losing their property as well as the situation in town seemed to have been the decisive reason for an astonishingly large number of persons to return. However, the normalization and the establishment of a regular municipal organization, in connection with the appeal to return, had grave consequences for the Muslim inhabitants. Now that the paramilitary groups had left town again, it was possible to convert the existing general chaos into an organized "Serbian administration" of the town. The systematic conduct of the "ethnic cleansing" procedure was only possible after a large part of the Muslim escapee population had returned. Therefore, it was not until the fall of Kulagrad that one could actually speak of an organized expulsion of the Muslim population.

293. Consequently, after a relatively short time, around 10 May, the situation for the Muslim inhabitants began to deteriorate again. New paramilitary units came into town, breaking into Muslim homes, frightening the residents and mistreating them in a variety of ways, as well as frequently deporting men in the camps at Karakaj. In particular, former members of the SDA fell victim to such deportations into the camps in Karakaj or Batković near Bijeljina. The militia and other local Serbs who were frequently referred to as members of the SDS appear to have been regularly involved in these aggressions. There seems to have been a further exacerbation of the situation around the end of May or the beginning of June. This is seen by some respondents as being linked to the arrival of the Draganovci in town.

VII. EXPULSION AND ORGANIZED DEPORTATION

294. After the stage of "unorganized" expulsion of the Muslim population by means of terror, the next step was to prepare the total expulsion of the Muslim inhabitants with the support of administrative measures. The first step had already been the appeal to return. The registration of property that was mandatory for all inhabitants, including the Serbian population, served above all the purpose of registering the male Muslim population. For this reason, only men were eligible for registration, which had to be completed before the "Serbian municipality" or the "Serbian militia", even if a property was originally registered under the wife's name. As a result, these registrations led to arrests and deportations to camps, apparently on the basis of pre-established lists.

295. An "agency for the exchange of houses" was set up, to which the Muslim inhabitants were to transfer their houses. In return, the Muslims were promised houses belonging to Bosnian Serbs (e.g. in the Tuzla region) who supposedly had also assigned their homes to the agency. In order to make this "offer to exchange houses" more attractive looking, Serbian radio stations transmitted broadcasts about the successful exchange of houses by prominent Muslim inhabitants. These exchanges were, in many cases, found out to be falsified, incorrect, or conducted under coercion.

296. Departure from the town was only possible on the condition that the property was renounced and transferred to the "Serbian District of Zvornik". This forced transfer of property was executed by the "Serbian District of Zvornik" in cooperation with the police and paramilitary units, especially the Draganovci. Eventually, the Muslims were glad to sign the deed in order to get away from the terror.

297. It is difficult to precisely reconstruct the "model type" procedure employed by the authorities for the conduct of the ethnic cleansing during the following weeks. The measures of forced registration and assignment of property preceding the actual expulsion were characterized by a variety of approaches. Despite the fact that there was no clear indication as to the method used for expulsion, the following pattern emerges from a large number of consistent cases:

298. After their return, the refugees first had to be registered. This registration had no immediate consequences for the "organized deportations". Registration was, however, a prerequisite for the subsequent transfer of property. Registration had to be done before the police, and, in many cases, it immediately preceded the actual deportation. The forced transfer of property to the "Serbian District of Zvornik" made registrants eligible for obtaining an official entry of change of domicile on their ID card. This ID card entry was a prerequisite for being allowed to leave the town. Some expellees, especially men, were also required to prove that they had "donated blood" (large quantities were indeed taken by coercion from many of the camp prisoners). 324/

299. Documents that had to be shown upon leaving the town included:

(a) a personal ID card, in which the date of the notice of change of address was entered by the authority.

(b) a permit which guaranteed the holder the freedom of movement on the territory of the "Serbian District of Zvornik" and the access to the territory of the FRY.

(c) a stub certifying the "change of address".

300. From the end of May to early June, there were days in which the Muslim populations of entire municipal districts or neighbouring villages were deported. A chronological accumulation of deportations could be observed on 22 and 23 June. These organized deportations were reportedly carried out by means of vehicles provided by the firm "Drinatrans", which brought the deportees to Mali Zvornik and from there via Loznica to Subotica 325/ or into the Bosnian territory of Tuzla. The deportees were only permitted to take a very limited number of personal belongings along with them. Quite frequently, however, even these were taken away from them at the check-points.

VIII. ASSESSMENT

A. Participation of JNA units

301. A detailed assessment of the level of involvement of the former JNA in the attack on Zvornik is possible only to a limited degree. What is certain is the fact that units of the former JNA were involved.

302. It is also certain that a tank unit (or parts thereof) was deployed that, until the winter of 1991, had been stationed in Jastrebarsko/Croatia and integrated into the 17th Corps Tuzla, following the abandonment of JNA

positions in Croatia. The unit was stationed in the village of Čelopek north of Zvornik, with a number of tanks located in the industrial district of Karakaj and proceeding towards the Zvornik city limits (precinct of Meterize) when the attack began. The artillery and air defence emplacements localized on the Bosnian side may be counted as part of the former JNA.

303. As regards the infantry units, which some of the refugees have attributed to the JNA, there are indications that they are not composed exclusively of "regular members" of the former JNA and draftees of the reserve corps, but also of "volunteers". This assumption is supported by several factors.

304. First, according to some respondents, the soldiers and the officers had, prior to the attack (i.e., in March 1992) as well as during the attack, begun to wear Serbian badges and cockades instead of the badges of the former JNA on their uniforms. Vehicles and machinery, however, still had the old Yugoslav identification signs. Many of the soldiers wearing "old JNA uniforms" were also using a "white ribbon" around their arms or other identification marks. These identifications only make sense, if they serve to differentiate the person using them from others wearing basically the same uniforms. Such a differentiation, however, was only relevant at the time of the attack or the occupation of Zvornik in regard to "other JNA units" or "units in JNA uniforms" taking part in the attack (on the "Serbian side"), since there was no counterpart on the Muslim side.

305. For those former JNA units that were stationed on the Serbian side, such a detailed distinction is not possible. Here, temporary military barracks were installed (in Radalj and Mali Zvornik). The unit stationed in the "Dom Kulture" in Mali Zvornik was said to have come from Šabac.

B. JNA Commanders in charge

306. The responsible officers of the former JNA during the attack and occupation periods were identified. After the fall of Kulagrad and the final consolidation of "Serbian control" over Zvornik, the respondents identified the successor commanders.

307. This change from the former JNA to a (newly established) "territorial defence" (and not to the "Serbian Army in Bosnia and Herzegovina") may be seen as yet another indication that there had already been cooperation between "regular" members of the former JNA and "irregular" members (reserve, volunteers) at the time of the attack on Zvornik.

C. Strategic planning of the attack

308. From the analysis of these factors the following can be concluded:

309. The strategic preparation of the attack was carried out by officers of the former JNA who were also responsible for coordinating and directing the actual attack.

310. The squads, which were identified by many respondents as JNA units, were to a large extent at least composed of "volunteers" or "reservists". This assessment is consistent with the fact that the former JNA was already suffering from great personnel losses during the Croatian war and, above all, at the end of the military actions there (especially with many "non-Serbian" recruits refusing to report for active duty and many "non-Serbian" soldiers and officers deserting). The personnel-intensive infantry units, in

particular, required additional manpower, a fact which is supported by the observations made in Zvornik. The fact that local SDS activists were named as "officers", especially of the infantry, also suggests that they acted in their capacity as "officers of the reserve" or as officers of the so-called territorial defence.

311. The tank units, which were also active in Zvornik, were less labour-intensive, but required better training. This suggests that these units were made up of "regular" JNA personnel. Intelligence reports and observations of the troops in combat further showed that there were only rare occasions where a complete brigade was deployed and that "combat groups" were instead usually formed consisting in parts of infantry, artillery and tank units.

312. In May 1992, the Commander of the JNA's Tuzla Corps resigned. JNA officers and military equipment, however, continued to be part of the attack and occupation of the city and surrounding areas. This implies orders and coordination from another command source.

D. The attack on Zvornik

313. The attack was initiated by barrage fire from artillery and tank units of the former JNA that supported the seizure of the town by units of the Arkanovci. According to several respondents, destruction caused by artillery and tank fire was rather infrequent. There was no indication that the town was to be destroyed, but rather that the aim was to frighten and terrorize the inhabitants. This suggests that the attackers wanted to take over the town.

314. The seizure of the town was carried out by a "special unit" of the Arkanovci. This assumption is supported by the fact that members of the Arkanovci who were involved in the capture of the town left again a few days later, whereas other Arkanovci stayed in town and were joined by more members of Arkanovci. The seizure of the town may therefore have been carried out by a "special unit", which had already captured Bijeljina and which after the seizure of Zvornik, went on to occupy Bratunac. The other paramilitary units arrived in a second wave, led by Šešeljovci, with the Beli Orlovi and the so-called "Serbian territorial defence" with "volunteers" from adjacent Serbian villages or from neighbouring towns in Serbia.

E. Military control of Zvornik following the occupation

315. It is difficult to determine which groups exerted control over Zvornik at the various stages following the occupation of the town. In general, supreme control has frequently been ascribed to the JNA. The fact that these were high-profile personalities and former JNA officers may have led many expellees to assume that supreme control was in the hands of the JNA. Indeed, these two officers had supreme control over the town, albeit not as JNA, but as leading officers of a new "territorial defence" which had been established by local leaders. This later formed the core element of the "Serbian Army in Bosnia and Herzegovina" in the region of Zvornik and was officially declared in May 1992.

316. It may be assumed, however, that there was a concerted effort to distribute responsibilities and thus authority over the town. At least during the period until the fall of Kulagrad, there appears to have been a sharing of power between the officers of the former JNA (Pejić and Pavlović) and SDS (Grujić) and the militia.

317. These testimonies, though, were modified by the fact that nearly all of the respondents said that the various paramilitary units marauder around Zvornik had unlimited freedom of action (terrorizing the civilian population, randomly performing executions and arrests or looting). The JNA units were reported by the respondents to have participated in war crimes and severe human rights violations only to a very limited degree throughout the entire period. They were, however, accused of looting. Guards working in those camps where war crimes and human rights violations were committed were partly members of JNA units. It is unclear, though, whether they were "regular units", drafted reservists or members of the so-called "territorial defence".

318. There are many indications that the complete freedom of action on the part of the paramilitary units led to a tolerated chaos, which was due to the fact that the potential authorities of the JNA and local militia were not accepted as such by these violent paramilitary units. The Arkanovci, especially, acted completely autonomously and rarely bowed to the authority of JNA officers or, even less, to the local authorities. Overall, the descriptions given by the respondents create the impression that the various paramilitary units only accepted the authority of their respective "leaders" and that many of the less strictly organized paramilitary groups regarded their complete freedom of action as a kind of "remuneration" for their work. This circumstance may, however, also be seen as suggesting that the uncertain distribution of power only served to cover-up those responsible for the war crimes and human rights violations. At this point, the violent chaos may not yet have been associated with the aim of using the terror exerted by the paramilitary groups in order to accelerate the expulsion of the Muslim population.

F. Civilian preparation of the attack and subsequent civilian control

319. After the attack, the control authority was initially in the hands of the "emergency staff", which later became known as the "Serbian District of Zvornik". Its president became the apparent principal decision maker.

320. The logistics of the attack on Zvornik appear to have been prepared on the civilian level. In February, for example, a truck was reported to have brought uniforms and arms to Boško Ceranić, and another respondent stated that Vojislav Šešelj visited Ceranić on 25 March 1992 and brought arms into the church of Šćemlije.

321. The civilian preparations also included an "evacuation exercise" on the last or next to the last weekend in March 1992. On that weekend, to the surprise of the Muslim inhabitants of Zvornik, the greater part of the Serbian families had left town on Friday and did not return until Monday.

322. The local SDS representatives, who were reported to have had contacts with Šešelj's Radical Party in Serbia, had already made provisions for enforcing their seizure of power, during the months preceding the attack. Back in the fall of 1991, they had declared Zvornik to be part of the "Autonomous Serbian Region of Semberija and Majevica". As can be seen from the document on the dismissal of a Muslim citizen from his workplace, the "emergency staff" had decided on 4 April on an "ordinance on the introduction of the general work requirement". Apparently, preparations for an "access to power" were already being taken on the civilian administrative level as well.

323. The preparations for the attack seem to have been coordinated with the regional business leaders, several of whom were identified by the respondents. Some of the business leaders were seen distributing arms, while others

provided means to transport expellees from Zvornik to Serbia. The director of the largest local employer was also accused by the press in the fall of 1991 of having provided the SDS with large quantities of fuel.

G. The Territorial Defence (TO)

324. Shortly after the dissolution of the Yugoslav territorial defence in BiH and Herzegovina in the fall of 1991, SDS leaders in Zvornik began with the recruiting, equipping, and apparent training of the new "Serbian Territorial Defence" (TO). During the months before the attack, there were also military exercises organized by the JNA. Only Serbs were drafted for these exercises, which were allegedly held for the purpose of training the "territorial defence".

325. This new "territorial defence", which had taken part in the attack on Zvornik as part of an infantry unit, was mostly dressed in old JNA uniforms or camouflage uniforms. Men dressed in civilian clothing were also involved in the combat activities. They were equipped, at least during the attack, with traditional infantry armament. Among them were former members of the territorial defence from the Serbian villages near Zvornik or from Zvornik which had been dissolved in the fall of 1991, as well as SDS members from the suburbs of Šćemlije, Lisičnjak, Čelopek, and newly recruited Serbs from the neighbouring villages.

326. One possible indication supporting this hypothesis is the fact that many Serbs from the neighbouring villages who were known by name could be identified either as Territorial Defence commanders (among them important SDS members). Others are reported to be JNA officers.

327. They arrived in town early (either together with or after Arkan, but in any case, during the attack and together with the Šešeljovci). This frequently-made statement is supported by further allegations. After the assault detachment of the Arkanovci, which was protected by mortar sections had captured the town, the second line of combat became operational. The second line of combat included local Territorial Defence units and the Šešeljovci, consisting mostly of people from the nearby places in Serbia. One of their tasks at that time was to deliver to the Arkanovci outstanding Muslim personalities on the basis of pre-established lists.

328. The military operations against the Muslim-controlled position at Kulagrad, which started after 11 April, were mostly conducted by the "territorial defence" (TO) and by "volunteers" from Serbia and the neighbouring villages. In the actual attack on Kulagrad, the tanks were followed by operations also carried out by the TO and the Beli Orlovi.

H. The expulsion of the Muslim population ("ethnic cleansing")

329. After the fall of Kulagrad on 26 April, the situation in Zvornik became more stabilized. The SDS began to rebuild the local administration and simultaneously started to prepare for the expulsion of the Muslim inhabitants of Zvornik.

330. The first step was, paradoxically, an appeal to the escaped Muslim inhabitants to return. In that appeal, which was broadcast by Radio Zvornik and Radio Loznica, as well as by the Belgrade TV station, the escapees were called upon to come back as the situation had returned to normal. They were required to return by a certain date (probably 15 May) in order to have their

property registered. They would otherwise lose any title to their property. The exact wording of the appeal could not be ascertained anymore as it was apparently broadcast frequently and in a number of different versions. Similarly, there were several testimonies as to who had issued the appeal. Essentially, however, these statements are consistent with each other.

331. The registration, which the respondents were required to do from the end of April onward (first mentioned on 28 April), had to be done before the "Serbian municipality" or the "Serbian militia". When people showed up for registration, the true purpose of the procedure was revealed: a registration of male inhabitants. Only men were permitted to register with the authorities. There were even reports of cases where a man had to register for an apartment despite the fact that this apartment had been registered under his wife's name. In line with the true purpose of the registration, men were arrested and deported into camps on the basis of lists which had apparently been prepared beforehand. The conduct of these forced registrations was the responsibility of the new local administration (SDS) and the militia.

332. After the forced registration, the situation of the Muslim population deteriorated rapidly. The increasing terror caused by, to the greatest extent, the newly arrived unit of one "Kapetan Dragan" was the preparatory stage for the ultimate, forceful expulsion of the Muslim inhabitants of Zvornik.

333. Some time later, around the end of May to early June 1992, the first forced deportations were carried out, preceded by a "compulsory transfer of property", without which it was not possible to leave the town. The Serbian administration then issued documents which "permitted" the person to leave the town in the direction of Mali Zvornik and which were frequently connected with an ID card entry stating that the person moved to a Serbian town. These documents had to be shown upon departure or were a prerequisite for being "allowed" to leave the town. The task of the militia was to organize these compulsory assignments, while the subsequent forced expulsions were carried out in cooperation with the paramilitary units.

IX. SUMMARY

334. It may be concluded on the basis of the present facts that not only were the aggression and the expulsion of the Muslim inhabitants intended and initiated by the local Serbian authorities but other hierarchically superior institutions were also involved both in the preparation and the actual attack and expulsion operations.

A. Military and paramilitary operations

335. The employment of heavy equipment, trained personnel and officers of the former JNA can be proved. The squads themselves, especially the personnel-intensive infantry units, were composed of drafted reservists, "volunteers" and members of paramilitary units. The equipment of these units came partly from the JNA, and partly from other sources, such as supplies of the former territorial defence or private arms, and was equivalent to the usual infantry equipment.

336. Several important facts are indicative of an involvement of supra-local institutions:

(a) The recruitment and stationing of infantry reservists in improvised barracks in the town of Čelopek near Zvornik quite some time before the attack.

(b) The cooperation with the trained combatants of the Arkanovci, who conducted a swift and radical capture of the town.

(c) The participation of paramilitary units from nearby towns in Serbia, the dimensions of which also required prior planning.

(d) The identification of the soldiers taking part in the combat activities. There is general agreement that they already wore Serbian badges and colors on their uniforms instead of the old Yugoslav emblems.

(e) The stationing of JNA units from different corps, all of which were subordinate to the 1st Belgrade military district, both on the Bosnian side of the Drina and on the Serbian side.

(f) The forced retirement of the Supreme Commander of the Corps Tuzla, General Janković, in May 1992, in the course of a restructuring of the former JNA, as well as the new formation of the so-called "Serbian Army in Bosnia-Herzegovina".

337. All in all, these facts also support yet another hypothesis, namely that these newly equipped units formed the core element of the subsequent "Serbian Army in Bosnia and Herzegovina". The "Serbian Army in Bosnia and Herzegovina", as those members of the former JNA who had remained in BiH were called, was not officially founded until 5 May 1992. However, the attack on Zvornik was carried out one month earlier. The establishment of this new army and the furnishing of its equipment must therefore not only have been planned sometime before (i.e. long before the attack on BiH), but was already carried out in March 1992.

338. The local civilian preparations for the conduct of the impending attack, as well as the local measures aimed at the creation of a "Serbian territorial defence" in Zvornik, coincide with the establishment of a new "Serbian Army" in BiH. This territorial defence may even have been involved in the preparations for the new "Serbian Army in Bosnia-Herzegovina" and may have served as a basis for the 36th infantry brigade of the Drina corps of the "Serbian Army in Bosnia-Herzegovina", meanwhile stationed in Zvornik.

B. "Ethnic cleansing"

339. The expulsion of the Muslim inhabitants of Zvornik, like the military attack, required preparation. When the various stages of the assault are examined, an underlying systematic approach is revealed.

340. The SDS leadership had declared in the fall of 1991 that Zvornik formed part of the so-called "Autonomous Serbian Region of Semberija and Majevica". Before the attack, requests for a separation of the town according to ethnic principles were voiced by representatives of the local SDS. During the military occupation phase, lasting until the fall of Kulagrad on 26 April 1992, the aim of the violent chaos imposed on the town by the paramilitary units and the massive and systematic war crimes and human rights violations was not yet intended to accelerate the expulsion of the Muslim inhabitants. However, the preparations for a total and final expulsion had commenced at that stage. The specific terror activities designed to expel the Muslim population only started in May 1992.

341. These preparations for a total, and final, and systematic expulsion became obvious when the proclamation for the Muslim inhabitants to return to Zvornik was announced. Apart from an allegation that order and peace in the town were restored, the proclamation was linked to an appeal to the Muslims to return in order to have their property registered. If owners failed to do so, their property would fall to the "Serbian District of Zvornik". A great number of expellees followed the appeal. They did so not only in view of the above-mentioned allegation and appeal, but also because many of them were concerned about the fate of members of their families who had stayed in town.

342. The registration conducted upon their return revealed the primary purpose of the appeal: to register all male Muslim inhabitants. The men who had fled to surrounding Bosnian and Serbian regions were to be neutralized as potential resistance fighters. As a result, many of the returning men were immediately deported into a camp.

343. The appeal to return, however, had yet another, even further-reaching aim: the systematic expulsion of the Muslim population. For it was only after the Muslim inhabitants, not only from the town but from the entire region, had returned and were thus ready to be "gathered" that their total and final expulsion became possible. This enabled the aggressors not only to move them away from Zvornik, but also to deport them in an organized and comprehensive manner across the national boundaries of the former Yugoslavia. The geographical location of Zvornik, as a border town to neighbouring Serbia, enabled the Bosnian-Serb leaders to deport the expellees from of BiH to other countries without any problems. By means of bussed mass deportations, the expellees were brought as far as Subotica at the Serbian-Hungarian border. There, many of them were issued a "Yugoslavian passport", with which they were sent, mostly in corridor trains, via Hungary to Austria.

Appendix I to Part III

CAMPS

344. The reference to places and camps as well as to perpetrators is based on corresponding statements by witnesses. It is therefore safe to say that these did, in fact, exist. However, one has to take into account that the list is by no means complete.

I. ČELOPEK - DOM KULTURE

345. The Dom Kulture has served as headquarters since December 1991 and is said to have served as an internment camp as well.

II. KARAKAJ

A. Ekonomija

346. Ekonomija was an agricultural cooperative. Due to its secluded location, its buildings were used in particular to torture and kill numerous individuals. According to corresponding witness accounts, this must have been the "worst" of all camps. In a chamber which used to be a slaughter area, people were literally butchered. Not only people from Zvornik and its surroundings were detained there, but also members of the Croatian National Guard (ZNG), among others.

B. Technical School Centre

347. The principal, Fehim Kujundžić, was murdered by Arkanovci in the Technical School Centre on 9 or 10 April. In the school's training labs in particular many acts of violence were committed.

C. Alhos

348. Alhos was a garment factory. Initially, the factory accommodated the police (from 6 April on). In addition, the emergency staff also stayed there.

D. Novi Standard

349. Novi Standard was a new building of the shoe factory complex. At the time of the attack, the entire shoe production had been stopped. For some time it served as headquarters of the Serbian police (it was moved from Alhos to Novi Standard). It further accommodated paramilitary units--reportedly the Arkanovci, Šešeljovci, and the "volunteers" from Loznica. Individuals who had picked up their pass certificate from the police were kept there for days and severely tortured. In addition, citizens who had been randomly arrested were carried off to the quarters of the paramilitary units, where they were severely tortured.

E. Novi Izvor

350. At the time of the attack, Novi Izvor consisted of two plants: "Kamenolom", a quarry, and "Ciglana", a brick factory. Both were in operation

during the attack. Captured Muslims were forced to work alongside regular Serbian employees in three shifts. The Muslims routinely faced violent attacks by various groups. In early June, the camp counted about 70 prisoners. Some of them had been held there since mid-April. Many acts of torture and killings are reported.

351. A number of persons were identified as guards and torturers in the camps (in some cases only the nick-names are known).

III. ZVORNIK

A. SUP/Opština

352. At this prison inmates were tortured during interrogation, and several were killed.

B. Court Building

353. This building was turned into a prison. Women and children from Divič who had witnessed and/or survived the massacre at Čelopek were detained and mistreated there.

C. Hotel Drina

354. This hotel served as quarters for the police. Acts of torture and arrests are reported.

D. Hospital "5th of July"

355. In mid-April, Arkan took all patients hostage, so that the remains of his brother-in-law "Rambo" be handed over to him. Men were detained on the street and forced to donate blood. Murders even occurred as a result of excessive withdrawal of blood. Patients and staff were frequently attacked, in particular by Arkanovci. Several people were detained in the basement.

IV. TRANSFER FROM THE CAMPS

356. On 15 July, a great number of prisoners from various camps were transferred to Batković near Bijeljina. It is unclear whether any prisoners were left behind.

Appendix II to Part III

MASS GRAVES

357. Based on numerous, consistent witness accounts, the following mass graves can be identified.

358. Kazanbašća: Kazanbašća is a Muslim cemetery in Zvornik's Meterize district. According to reports, the first mass graves were dug there very soon after the attack.

359. City dumping grounds: These grounds are situated by the Drina. Their name is unknown.

360. Krečana: Krečana is a lime pit in Mali Zvornik.

361. Ranun Grob: This site is located between Radakovac and Šćemlije.

362. Šljunkara: Šljunkara is a flint pit north of Čelopek by the Drina.

363. Drina: Many respondents stated that numerous corpses were thrown into the Drina (mostly from bridges).

Appendix III to Part III

MASSACRES AND MASS SHOOTING DEATHS

364. The BIM holds a list of numerous massacres and mass killings by gun shots. In order to prevent any premature attribution of guilt, the following list includes only those perpetrators who have been identified independently and in consistent statements by several witnesses. Moreover, we have witness accounts of massacres and mass shooting deaths by individual respondents.

365. Thirty citizens from Divič, who had been deported there around mid to end of May, were shot to death.

366. On 9 April, Arkanovci randomly shot to death people they had dragged out of basements in Hrid and Zamlaz.

367. Šešeljovci and Arkanovci together committed mass killings in Hrid and Bukovik.

368. At the checkpoint by the Old Bridge in Zvornik, Muslims were shot to death and dumped into the Drina river.

369. Around mid to end of May, a considerable number of Muslim patients were shot to death in front of the hospital of Zvornik by Arkanovci. In the pediatric ward, dozens of babies were murdered with bare hands.

Notes

1/ Fifth Periodic Report of the Special Rapporteur of the Commission on Human Rights, pursuant to paragraph 32 of Commission resolution 1993/7 of 23 February 1993, E/CN.4/1994/47, at para. 13.

2/ The Other Balkan Wars: A 1913 Carnegie Endowment Inquiry in Retrospect 151 (1993) (originally published in 1914 as Report of the International Commission to Inquire into the Causes and Conduct of the Balkan Wars).

3/ See Stan Markovitich, "Serbia", 33 RFE/RL Research Report 96 (April 1994) for a description of political events within Serbia during this period.

4/ The First Balkan War was largely an effort by Bulgaria, Greece, Montenegro, and Serbia to expel the Ottomans from the Balkans. The Second Balkan War broke out when Bulgaria attacked Serbia and Greece. Montenegrin, Ottoman and Rumanian troops joined the conflict to oppose Bulgaria. The two Balkan Wars ended Ottoman rule in the Balkans, except for a part of Thrace and Constantinople. Id. at 99.

5/ Staff of Senate Committee on Foreign Relations, 102d Cong., 2d Sess., The Ethnic Cleansing of Bosnia-Hercegovina 31 (Comm. Print 1992).

6/ The Other Balkan Wars: A 1913 Carnegie Endowment Inquiry in Retrospect 151 (1993) (originally published in 1914 as Report of the International Commission to Inquire into the Causes and Conduct of the Balkan Wars).

7/ Stan Markovitich, "Serbia", 33 RFE/RL Research Report 96 (April 1994).

8/ Id.

9/ James Gow, "One Year of War in Bosnia and Herzegovina", RFE/RL Research Report 11 (4 June 1994). Gow states that as early as mid-August 1991 ". . . the activities of the Yugoslav Army units stationed there [in BiH] were, in fact, aimed at linking most of the Republic with Serbia. According to Gow, the JNA expected a major influence on events in BiH from 1990 onward, including providing arms to the Serb population and encouraging local unrest.

10/ David C. Isby, "Yugoslavia 1991 - Armed Forces in Conflict," Jane's Intelligence Review, 402 (September 1991).

11/ As quoted by Roger Cohen in "Serbian General Who Calls the Shots: Determined and Calling the West's Bluff", New York Times, at 4 (17 April 1994).

12/ See Glenn E. Curtis, Yugoslavia, A Country Study 293, Table 5 (1992).

13/ The attack on Zvornik is one of two case studies on "ethnic cleansing". For the other study related to the Prijedor region, see Annex V.

14/ "Monster Town" in Vreme, No. 112, 15 November 1993, at 18.

Notes (continued)

15/ The dividing line ran north-south from the Sava River near Sirmium (Stremska Mitrovica) to Lake Scutari (Skadar), on the current Montenegrin-Albanian border. For a general history of the Balkan peninsula, see Edgar Hosch, The Balkans: A Short History from Greek Times to the Present Day (Tania Alexander trans. 1972). See also René Ristelhueber, A History of the Balkan Peoples (Sherman David Spector ed. and trans. 1971).

16/ A majority of scholars have adopted the view that the Bogomils were adherents of a Christian medieval sect that emerged in Bulgaria in the early middle ages. They were considered heretics by church officials. Because of their persecution, and the fact that the Bogomil sect contained a strain of mysticism that was receptive to the Islam practiced by some Islamic mystic orders, many Bogomils converted to Islam following the Ottoman conquest. See Smail Balić, "Culture Under Fire", in Why Bosnia? 81 (Rabia Ali & Lawrence Lifschultz eds., 1993). Another view suggests that the medieval Bosnian Church was not Bogomil. Rather, unlike the Bogomils, the Bosnian Church accepted the Trinity, an omnipotent God and at least part of the Old Testament. See John A. Fine, "The Medieval and Ottoman Roots of Modern Bosnian Society" in The Muslims of Bosnia-Herzegovina 5-20 (Mark Pinson ed. 1994).

17/ Barbara Jelavich, II History of the Balkans 1 (1983).

18/ These resettled regions closely correspond to the areas that rebelled against the Croatian government in 1991. See Steven Woehrel & Julie Kim, Croatia: Background and Current Issues, Congressional Research Service Report (3 December 1992).

19/ Barbara Jelavich, II History of the Balkans 2 (1983).

20/ Id. at 3.

21/ Id. at 6.

22/ Russia had declared war on the Ottoman Empire in 1877. In March 1878, the Treaty of San Stefano created a large Bulgarian state and greatly expanded Russian influence in the region. This upset the region's balance of power, leading Britain and Austria--Hungary to call for a new accord. As a result, the Congress of Berlin was held in June and July 1878. Id. at 7. For an interesting account of the Congress of Berlin, see Henry Kissinger, Diplomacy 155-58 (1994).

23/ Barbara Jelavich, II History of the Balkans 109 (1983). Jelavich also states that "[t]he greater Serbian goal . . . was thus a state based not on strictly ethnic principles, but on the acquisition of lands that had historic associations or that had at some time been under the jurisdiction of the Serbian Orthodox Church".

24/ Id. at 111.

25/ Id.

Notes (continued)

26/ The First Balkan War was largely an effort by Bulgaria, Greece, Montenegro, and Serbia to expel the Ottomans from the Balkans. The Second Balkan War broke out when Bulgaria attacked Serbia and Greece. Montenegrin, Ottoman and Rumanian troops joined the conflict to oppose Bulgaria. The two Balkan Wars ended Ottoman rule in the Balkans, except for a part of Thrace and Constantinople. Id. at 99.

27/ Staff of Senate Committee on Foreign Relations, 102d Cong., 2d Sess., The Ethnic Cleansing of Bosnia-Hercegovina 31 (Comm. Print 1992).

28/ The Other Balkan Wars: A 1913 Carnegie Endowment Inquiry in Retrospect 151 (1993) (originally published in 1914 as Report of the International Commission to Inquire into the Causes and Conduct of the Balkan Wars).

29/ Id. See also Jelavich, supra note 3, at 112. When one of the co-conspirators was arrested, he stated, "I am a Serbian hero". The Archduke was murdered because they feared that he would join Bosnia with the other South Slav lands in a separate autonomous state controlled by the Hapsburgs. The timing of the Archduke's visit, on Serbia's most celebrated anniversary, may have been a deliberate provocation.

30/ Barbara Jelavich, II History of the Balkans 201 (1983).

31/ Staff of Senate Committee on Foreign Relations, 102d Cong., 2d Sess., The Ethnic Cleansing of Bosnia-Hercegovina 32 (Comm. Print 1992).

32/ Id.

33/ Yugoslavia was partitioned by its German and Italian victors into spheres of influence. Macedonia fell under Bulgarian domination. Hungary took areas in Bačka and Baranja. Italian-ruled Albania was given Kosovo and some Macedonian and Montenegrin lands. Germany and Italy each annexed a part of Slovenia. Italy assumed control over the Adriatic coast and the Adriatic Islands. Barbara Jelavich, II History of the Balkans 262 (1983).

34/ Id. at 264. Croatia was recognized by the Axis powers and became a signatory of the Tripartite and Anti-Comintern Pacts. Id. at 263.

35/ Id. at 264.

36/ Serbs constituted about one-third of Croatia's population at the time. As a Fascist state, Croatia's 6.5 million inhabitants included: 3.4 million Croats; 1.9 million Orthodox Serbs; 700,000 Muslims; 150,000 Germans and 18,000 Jews. Id. at 263.

37/ The Bosnian Muslim community had three major divisions: some aligned with the Ustaša regime; some wanted a separate state allied with Germany; others joined the Communist partisans fighting the Ustaše. Staff of Senate Committee on Foreign Relations, 102d Cong., 2d Sess., The Ethnic Cleansing of Bosnia-Hercegovina 3 (Comm. Print 1992).

Notes (continued)

38/ Barbara Jelavich, II History of the Balkans 265 (1983). The estimates as to how many Serbs were killed during this period is still fiercely contested. See Steven Woehrel & Julie Kim, Croatia: Background and Current Issues, Congressional Research Service Report 3 (3 December 1992); see also Mihajlo Crnobrnja, The Yugoslav Drama 65 (1994); Jasenovac: The System of Ustasha Death Camps (Museum of the Victims of Genocide 1994); Andrew Borowiec, "Croatian-Run Death Site Remains Dark Secret", The Washington Times, 5 July 1994, at A10.

39/ The Četniks were organized by Colonel Draža Mihajlović, who also served as a minister in Yugoslavia's Government-in-exile, which was based in London. Initially, Mihajlović's resistance movement consisted of a small group of Serbian officers who went to the hills where they organized local inhabitants into fighting units. These forces were called the Četnik detachments of the Yugoslav Army. Eventually, the Četniks largely became loosely knit bands of fighters organized under local leaders. The term "Četnik" recalled similar groups that had struggled against Ottoman rule. Barbara Jelavich, II History of the Balkans 266-67 (1983).

40/ Jelavich, for instance, writes:

> "Although instances of cooperation between members of all resistance forces and the occupying powers can be found, the most widespread collaboration, and the most easily documented, was established between the Chetniks and the Axis command".

Id. at 270.

41/ Id.

42/ Tito's ties to the Soviet Union were soon broken. Although the first meeting of the Cominform (Communist Information Bureau) was held in Belgrade (in fact, its first headquarters were in Belgrade), Yugoslavia was expelled on 28 June 1948. The Cominform motion stated: "the Information Bureau [Cominform] declares that the leadership of the Yugoslav Communist Party is pursuing an unfriendly policy towards the Soviet Union". The resolution went on to express the fear that Yugoslavia would turn into "an ordinary bourgeois republic" and "a colony of the imperialist countries". Patrick Brogan, The Captive Nations: Eastern Europe, 1945-1990 161 (1990).

43/ See Stevan K. Pavlowitch, "Who is "Balkanizing" Whom? The misunderstandings Between the Debris of Yugoslavia and the Unprepared West", 123 Daedalus 203, 206 (Spring 1994).

44/ Staff of Senate Committee on Foreign Relations, 102d Cong., 2d Sess., The Ethnic Cleansing of Bosnia-Hercegovina 32 (Comm. Print 1992). Tito was a Croatian by birth. He was born in Kumrovec, Croatia to a Croatian father and a Slovene mother. As a young man, he apprenticed to a locksmith and later worked as a mechanic. Barbara Jelavich, II History of the Balkans 385 (1983).

45/ Id. at 396.

46/ Id. In the 1980's, the Serbs would argue with vehemence that it was Serbia which had suffered economically during the Tito years.

Notes (continued)

47/ Id. at 396-97. Steven Woehrel & Julie Kim, Croatia: Background and Current Issues, Congressional Research Service Report 3 (3 December 1992).

48/ Barbara Jelavich, II History of the Balkans 397 (1983).

49/ Id. at 398.

50/ Id. at 394.

51/ Id. at 393. For a critique of the communist regime during the 1950s, see Milovan Djilas, The New Class: An Analysis of the Communist System (1957) and his Conversations with Stalin (1962).

52/ Staff of Senate Committee on Foreign Relations, 102d Cong., 2d Sess., The Ethnic Cleansing of Bosnia-Hercegovina 32 (Comm. Print 1992). Allegations of corruption also did much to diminish the stature of the Yugoslav federal army. For example, in the mid-1980s, investigative reports alleged that military labour was used to build expensive villas for communist party and military officials. See Karl Wheller Soper, National Security in Yugoslavia: A Country Study 225, 253 (Glenn E. Curtis ed. 1992).

53/ Such allegations can be found in Alex N. Dragnich, Serbs and Croats: The Struggle for Yugoslavia 163-64 (1992).

54/ Id.

55/ In January 1986, Milošević succeeded Ivan Stambolić as Chief of the Serbian Community Party. Slobodan Milošević's background and rise to power is described in Aleksa Djilas, "A Profile of Slobodan Milosevic", Foreign Affairs 81, 81-95 (Summer 1993). According to Djilas, when Milošević was still the head of the Belgrade Party Committee, "[h]e frequently attacked dissident intellectuals, firmly opposed all demands for liberalization, and punished any manifestation of Serbian nationalism". Id. at 86.

56/ Staff of Senate Committee on Foreign Relations, 102d Cong., 2d Sess., The Ethnic Cleansing of Bosnia-Hercegovina 23 (Comm. Print 1992). Patrick Brogan, The Captive Nations: Eastern Europe, 1945-1990 165-69 (1990).

57/ Patrick Brogan, The Captive Nations: Eastern Europe, 1945-1990 168-69 (1990).

58/ The document was prepared by members of the Serbian Academy of Arts and Sciences who are not identified in the document. However, the editor of the document is widely reported to be Dobrica Ćosić, a well-known Serbian historian and novelist who served as president of the Federal Republic of Yugoslavia for approximately one year until June 1993. See Misha Glenny, The Fall of Yugoslavia: The Third Balkan War 33 (1992). A copy of the Memorandum (translated into English by teachers of English at the Centre of Foreign Languages in Zagreb, Croatia) is on file with the Commission of Experts.

59/ Misha Glenny, The Fall of Yugoslavia: The Third Balkan War 23 (1992). Since the late 1960s, Serbs had been emigrating from Kosovo--between 200,000 and 300,000 had left by the mid-1980s. Many Serbs believed that the exodus was due to mistreatment by ethnic Albanians. Another complaint often

Notes (continued)

voiced by Serbs concerned the fact that Serbia was the only Republic with autonomous provinces within its territory. Under Yugoslavia's 1974 Constitution, Kosovo and Vojvodina had their own representatives in federal, state and party bodies, where they had cast their votes in opposition to Serbia. The two provinces (like the six Republics) also could veto changes in the Constitution. Aleksa Djilas, "A Profile of Slobodan Milosevic", Foreign Affairs 81, 82 (Summer 1993)

60/ Misha Glenny, The Fall of Yugoslavia: The Third Balkan War 33 (1992). See also Branka Magaš, The Destruction of Yugoslavia: Tracing the Break-Up, 1980-1992 199-202 (1993).

61/ Misha Glenny, The Fall of Yugoslavia: The Third Balkan War 34 (1992).

62/ Staff of Senate Committee on Foreign Relations, 102d Cong., 2d Sess., The Ethnic Cleansing of Bosnia-Hercegovina 33 (Comm. Print 1992).

63/ Marc Weller, "The International Response to the Dissolution of the Socialist Federal Republic of Yugoslavia", 86 American Journal International Law 569, 569-70 (1992).

64/ These Republics eventually seceded; Slovenia and Croatia on 25 June 1991, BiH on 6 April 1992, and Macedonia voted to separate from Yugoslavia on 8 September 1991. Macedonia alone has not been recognized by the European Community (EC). Greece has objected to Macedonia's recognition because its name is the same as that of a region in northern Greece. The Greek government argues that adoption of the name "Macedonia" implies claims on Greek territory. Bulgaria and Turkey have recognized Macedonia's independence. For a discussion of the situation in Macedonia, see Freedom House, Freedom in the World, 1992-1993 340-42 (1993).

65/ Staff of Senate Committee on Foreign Relations, 102d Cong., 2d Sess., The Ethnic Cleansing of Bosnia-Hercegovina 33 (Comm. Print 1992).

66/ Id.

67/ Id.

68/ See Chronology of Negotiations for Peace in the Former Yugoslavia (prepared by Research Analyst Shannon M. McLeod on file with the IHRLI Database). The Serbian National Council was formed on 25 July. On 18 August, the Serbs of Knin began a two week referendum on whether to establish a "Serbian Autonomous Region" (SAO) of Krajina. On 1 October 1990, it was announced that 99 per cent of the voters favoured autonomy. Id. at 6.

69/ Olga Ramljak, "Chronology of Serb Rebellion in Croatia", Foreign Broadcast Information Service 16-17 (26 February 1993). See also Misha Glenny, The Fall of Yugoslavia: The Third Balkan War 1-2 (1992).

70/ See Chronology of Negotiations for Peace in the Former Yugoslavia (prepared by Research Analyst Shannon M. McLeod on file with the IHRLI Database).

Notes (continued)

71/ Id. On 21 December 1990 the Serbs of the opštinas of Knin, Benkovac, Vojnic, Obrovac, Gračac, Dvor and Kostajnica adopted the "Statute of the Serbian Autonomous Region of Krajina". The Statute provides that "[t]he SAO executes laws, other ordinances, and general acts of the Republic of Croatia and the federation". A legislative Assembly was created, consisting of 60 deputies who would serve four year terms. The Chairman of the Executive Council of the Serbian Autonomous Region of Krajina was Milan Babić. He appointed Milan Martić, a former policeman with Croatia's Ministry of Internal Affairs to the post of Secretary for Internal Affairs for the region of Krajina. Id. at 9.

72/ See Id.; see also David C. Isby, "Yugoslavia 1991: Armed Forces in Conflict", Jane's Intelligence Review 394, 402 (September 1991).

73/ Misha Glenny, The Fall of Yugoslavia: The Third Balkan War 12 (1992).

74/ Id. at 12-14.

75/ Robert M. Hayden, "Constitutional Nationalism in the Formerly Yugoslav Republics", 51 Slavic Review 654, 657-58 (Winter 1992).

76/ Id. at 657. Croatia's Constitution, which was adopted on 21 December 1990, provides in its preamble that:

> the Republic of Croatia is hereby established as the national State of the Croatian nation and the State of members of other nations and minorities who are its citizens: Serbs, Muslims, Slovenes, Czechs, Slovaks, Italians, Hungarians, Jews, and others, who are guaranteed equality with citizens of Croatian nationality and the realization of their ethnic rights in accordance with the democratic norms of the United Nations and of the free world countries.

United Nations, International Human Rights Instruments, Core Document Forming Part of the Reports of States Parties: Croatia, HRI/Core/1/Add. 32, at 8 (5 May 1994). The Constitution of the Socialist Republic of Croatia of 1974 defined the Republic as "the State of Croatian nation, Serbian nation in Croatia and the State of other nationalities who live in it". Id. at 17, n.4.

77/ Id. See also Misha Glenny, The Fall of Yugoslavia: The Third Balkan War 12-14 (1992).

78/ Robert M. Hayden, "Constitutional Nationalism in the Formerly Yugoslav Republics", 51 Slavic Review 654, 657, n.10 (Winter 1992). See also Mihajlo Crnobrnja, The Yugoslav Drama 151 (1994). The new Croatian regime renamed a school after an Ustaša minister who had cooperated with the Nazis in sending Croatian Jews to Auschwitz. The school had been named after a school principal killed by the Ustaše.

79/ Mihajlo Crnobrnja, The Yugoslav Drama 157 (1994).

80/ Yugoslavia: A Country Study XXXIX (Glenn E. Curtis ed. 1992).

81/ Id.

Notes (continued)

82/ Interim Report of the Commission of Experts Established Pursuant to Security Council Resolution 780 (1992), U.N. Doc. S/25274, at 5 (10 February 1993). See also Marc Weller, "The International Response to the Dissolution of the Socialist Federal Republic of Yugoslavia", 86 American Journal International Law 569, 570 (1992).

83/ Marc Weller, "The International Response to the Dissolution of the Socialist Federal Republic of Yugoslavia", 86 American Journal International Law 569, 570 (1992).

84/ Id. at 573.

85/ Id. at 574.

86/ Id. at 575.

87/ Id. at 576, 577.

88/ Security Council Resolution 713, S/RES/713 (25 Septmeber 1991). The Resolution also recognized that aggression within the former Yugoslavia threatened the peace and security of the region. It again called upon the parties to resolve their disputes through arbitration.

89/ Marc Weller, "The International Response to the Dissolution of the Socialist Federal Republic of Yugoslavia", 86 American Journal International Law 569, 581 (1992). Lord Carrington was subsequently replaced by Lord Owen.

90/ See United States Congressional Commission on Security and Cooperation in Europe, The Referendum on Independence in Bosnia-Herzegovia: February 29-March 1, 1992, at 8 (12 March 1992).

91/ Staff of Senate Committee on Foreign Relations, 102d Cong., 2d Sess., The Ethnic Cleansing of Bosnia-Hercegovina 33 (Comm. Print 1992).

92/ Helsinki Watch, War Crimes in Bosnia-Herzegovina 41-43 (1992). On 3 July 1992, Mate Boban proclaimed an independent state, to be called the Community of Herceg-Bosna. Id. at 43. Fighting erupted among Bosnian Croats, Bosnian Serbs and Muslims within this area of Bosnia, leading to "ethnic cleansing" allegations against the Croats, especially in the City of Mostar and the surrounding area. Fourth Periodic Report of the U.N.'s Special Rapporteur on Human Rights, E/CN.4/1994/8 (6 September 1993).

93/ Marc Weller, "The International Response to the Dissolution of the Socialist Federal Republic of Yugoslavia", 86 American Journal International Law 569, 583 (1992).

94/ Mihajlo Crnobrnja, The Yugoslav Drama 70-71 (1994).

95/ The five-member Arbitration Commission was composed of two members appointed by the former Yugoslav federal presidency, and three members appointed by the European Community and its member states. Marc Weller, "The International Response to the Dissolution of the Socialist Federal Republic of Yugoslavia", 86 American Journal International Law 569, 589 (1992).

Notes (continued)

96/ Id. at 589.

97/ The signatories agreed that all wounded and sick combatants would be treated in accordance with the First and Second Geneva Conventions; that all captured combatants would be treated in accordance with the Third Geneva Convention; and that all civilians would be treated in accordance with the Fourth Geneva Convention and Additional Protocol I. Further, the signatories agreed to conduct hostilities in accordance with Additional Protocol I and the Protocol On Prohibition or Restrictions On the Use of Mines, Booby Traps and Other Devises, annexed to the 1980 Weapons Convention.

98/ Id. at 587.

99/ Id. at 594.

100/ Id. at 586.

101/ Id. at 591. A declaration from the Serbian minority dated 10 November 1991, expressed a desire to either remain with the Yugoslav Federal Republic, or, if BiH formed its own state, to proclaim an independent Serbian republic within the territory of BiH. Id.

102/ Security Council Resolution 743, S/RES/743 (21 February 1992).

103/ "Pink zones" were established adjacent to these areas. These are zones that do not fall within UNPROFOR's jurisdiction, but that contain a majority Serb population or where Serbs constituted a large minority. In July 1992, the "parties agreed to permit the establishment of a Joint Commission that would oversee the establishment of Croatian authority in these regions. Steven Woehrel & Julie Kim, Croatia: Background and Current Issues, Congressional Research Service Report 4-5 (3 December 1992).

104/ Id. at 4.

105/ Felice D. Gaer, "The Former Yugoslavia", in A Global Agenda: Issues before the 48th General Assembly of the United Nations 9 (John Tessitore & Susan Woolfson eds., 1993).

106/ Id. at 12-13.

107/ See Judy Dempsy, "Bosnian Carve-Up in the Making", Financial Times, 8 July 1992; see also Helsinki Watch, War Crimes in Bosnia-Herzegovina 39-40 (1992).

108/ In August 1994, the Bosnian Serbs announced that they would formally seek to link their territory with Yugoslavia and Serb-held portions of Croatia. Associated Press, "Bosnian Serbs Press for 'Greater Serbia,'" Chicago Tribune, 19 August 1994, at § 1, p. 4.

109/ Marc Weller, "The International Response to the Dissolution of the Socialist Federal Republic of Yugoslavia", 86 American Journal International Law 569, 597 (1992).

Notes (continued)

110/ Misha Glenny, The Fall of Yugoslavia: The Third Balkan War 164-65 (1992).

111/ Id. at 165. This was the beginning of the "ethnic cleansing" campaign in Bosnia-Herzegovina. However, "ethnic cleansing" had previously occurred in the conflict between Croatia and the Federal Republic of Yugoslavia. See Helsinki Watch, War Crimes in Bosnia-Herzegovina 274-359 (1992). Ethnic cleansing in BiH is discussed in the following section of this report.

112/ On 15 May 1992, the Security Council adopted resolution 752, demanding that the cease-fire be recognized and that Yugoslav and Croatian armies refrain from interfering in the internal conflict in BiH. See "Documents on the Situation in the Former Yugoslavia", 31 International Legal Materials 1421-1594 (1993); see also Helsinki Watch, War Crimes in Bosnia-Herzegovina 394-95 (1992); Marc Weller, "The International Response to the Dissolution of the Socialist Federal Republic of Yugoslavia", 86 American Journal International Law 569, 593 (1992). Resolution 752 also required that all parties respect the territorial integrity of BiH. The resolution also insisted that future humanitarian assistance programmes and convoys be given unimpeded access to all parts of BiH.

113/ Marc Weller, "The International Response to the Dissolution of the Socialist Federal Republic of Yugoslavia", 86 American Journal International Law 569, 600 (1992).

114/ Id. at 595.

115/ These included the four Geneva Conventions of 1949, and their Protocols additional of 1977, the Hague Convention on the Protection of Cultural Property in the Event of Armed Conflict of 1954, the Genocide Convention of 1948, and "crimes against humanity" as developed by conventional and customary international law. The following are the dates of ratification/succession, by the newly formed states, to the Geneva Conventions of 1949 and the Protocols additional of 1977:

		Geneva Conventions	Protocol I/ Protocol II
Yugoslavia	(Ratification)	21 April 1950	11 June 1979
Slovenia	(Succession)	26 March 1992	26 March 1992
Croatia	(Succession)	11 May 1992	11 May 1992
BiH	(Succession)	31 December 1992	31 December 1992

See generally M. Cherif Bassiouni, Crimes Against Humanity in International Criminal Law (1992); M. Cherif Bassiouni, International Criminal Law (3 Vols., M. Cherif Bassiouni ed., 1986); Frits Kalshoven, Constraints on the Laws of War (1991); The Laws of Armed Conflict (Dietrich Schindler & Jiri Toman eds., 1981); Howard S. Levie, The Code of International Armed Conflict (2 Vols. 1986); The Law of Armed Conflict: A Documentary History (Leon Friedman ed., 1972).

116/ Interim Report of the Commission of Experts Established Pursuant to Security Council Resolution 780 (1992), U.N. Doc. S/25274, at 5 (10 February 1993).

Notes (continued)

117/ Helsinki Watch, War Crimes in Bosnia-Herzegovina 35 (1992). Estimates vary concerning the actual number of JNA troops left to fight in BiH. One report estimated "at least 30,000 men with tanks, artillery, multiple rocket launches and large stocks of ammunition". Id. at 36 (quoting a New York Times article). However, according to one independent analyst, approximately 80,000 JNA troops were transferred to the Territorial Defence Forces of the "Serbian Republic of Bosnia-Herzegovina". Milan Vego, "Federal Army Deployments in Bosnia-Herzegovina", Jane's Intelligence Review 445 (October 1992). See also Annex III, Military Structure.

118/ In June 1993, for example, it was reported that Bosnian Croat forces in Mostar evicted Muslim residents from their homes and burned their personal belongings in the streets. The Muslims were told that "they were being evicted to make room for Croats who were coming from Travnik". Bosnian Croat forces have also been accused of the summary execution of Muslim civilians, mass deportations, and the rape of Muslim women. Within the Republic of Croatia, Croatian military forces have been accused of conducting "ethnic cleansing" operations against Serbs residing in the Croatian villages of Divoselo, Čitluk, and Počitelj, located in the "Medak Pocket". The United Nations' Special Rapporteur on Human Rights has reported that forces under the control of the Government of Bosnia-Herzegovina have also committed human rights violations. These violations include the summary execution and arbitrary arrest of civilians. See United Nations Economic and Social Council, Situation of Human Rights in the Former Yugoslavia, Fifth Periodic Report on the Situation of Human Rights in the Territory of the Former Yugoslavia Submitted by Mr. Tadeusz Mazowiecki, Special Rapporteur of the Commission on Human Rights, pursuant to paragraph 32 of Commission resolution 1993/7 of 23 February 1993, U.N. Doc. E/CN.4/1994/47, at 8-9 (17 November 1993).

119/ See, e.g., Roger Cohen, "In Bosnia an Island of Tolerance is Sinking", New York Times, 12 May 1994, at 46 (although Bosnian Muslims have destroyed some Serbian villages in retaliatory attacks "there appear to have been few instances in Government-held Bosnia of the brutal 'ethnic cleansing' perpetuated by the Serbs . . . .").

120/ For example, Felice D. Gaer has stated: ". . . Although there were some actions by Muslims and Croats to cleanse their own areas of Serbs, United Nations and private observers agreed that these were mostly reactions to Serb policies and not the result of well-planned, coordinated and funded policies". Felice D. Gaer, "The Former Yugoslavia", in A Global Agenda: Issues before the 48th General Assembly of the United Nations 7 (John Tessitore & Susan Woolfson eds., 1993). Serb planning of the "ethnic cleansing" campaign is discussed infra.

121/ See Andrew Bell-Fialkoff, "A Brief History of Ethnic Cleansing", Foreign Affairs 110-14 (Summer 1993). Examples from antiquity include the policies of Assyrian ruler Tiglath-Pileser III (745-727 B.C.) who is said to have displaced one-half of the population of conquered territories. In medieval times, the Jews were expelled from England (1290), France (1306), Hungary (1349-1360), Austria (1421), Lithuania (1445), Spain (1402), and from other countries as well. The Holocaust is the principal modern example. The German term "Judenrein" (clean of Jews) was used to designate areas from which Jews had been eliminated. Id. at 114. For further examples of ethnic conflict, see Conflict and Peacemaking in Multiethnic Societies (Joseph V. Montville ed. 1990); Donald L. Horowitz, Ethnic Groups in Conflict (1985). See

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also David Binder, "As Ethnic Wars Multiply, U.S. Strives for a Policy", New York Times, 7 February 1993, at 1, 12 (identifying 48 current ethnic conflicts in Europe, the Middle East, Asia, Africa and Latin America).

122/ The Balkan Wars of 1912 and 1913 were largely wars waged against civilian populations. The Greeks attacked Bulgarian villages, the Bulgarians massacred Turks, and the Serbs committed atrocities against Albanian civilians. According to the report of the Carnegie Endowment for International Peace, which was published in 1913:

> "the object of those armed conflicts, overt or covert, clearly conceived or vaguely felt, but always and everywhere the same, was the complete extermination of an alien populations. In some cases this object expressed itself in the form of an implacable and categorical 'order' to kill the whole male population of the occupied region".

The Other Balkan Wars 148-49 (The Carnegie Endowment for International Peace 1993).

123/ The political philosopher, Michael Walzer, said of German Field Marshall Erwin Rommel: ". . . he was, we are told by one biographer after another, an honorable man . . . when he fought he maintained the rules of war. He fought a bad war well, not only militarily but also morally". Michael Walzer, Just and Unjust Wars 38 (1992).

124/ Kosovo's population is approximately 90 per cent ethnic Albanian. See Marc Weller, "The International Response to the Dissolution of the Socialist Federal Republic of Yugoslavia", 86 American Journal International Law 569 (1992).

125/ It was officially reported that 12 persons were killed and 150 wounded but unofficial estimates are higher. In addition, Branka Magaš has reported that 140 persons were tried and sentenced to prison. See Branka Magaš, The Destruction of Yugoslavia: Tracking the Break-Up 1980-92 6-7 (1993).

126/ See Annex IV, Part 1, supra.

127/ Branka Magaš, The Destruction of Yugoslavia: Tracking the Break-Up 1980-92 249 (1993).

128/ Aleksa Djilas, "A Profile of Slobodan Milosevic", Foreign Affairs 81, 93 (Summer 1993).

129/ The use of the term "Serbs" does not, of course, mean "all Serbs". The term is used to refer to Serbia's political and intellectual leadership. In this instance, however, it appears that a very large number of Serbs, in fact, shared the concern over Kosovo's Serbian population. See generally Aleksa Djilas, "A Profile of Slobodan Milosevic", Foreign Affairs 81 (Summer 1993); Branka Magaš, The Destruction of Yugoslavia: Tracking the Break-Up 1980-92 6-7 (1993).

130/ Aleksa Djilas, "A Profile of Slobodan Milosevic", Foreign Affairs 81, 93 (Summer 1993).

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131/ See John Kifner, "Through the Serbian Mind's Eye", New York Times, 10 April 1994, § 4, at 1, 5; see also Smail Balić, "Culture Under Fire", in Why Bosnia? 80 (Rabia Ali & Laurence Lifschultz eds., 1993).

132/ Aleksa Djilas, "A Profile of Slobodan Milosevic", Foreign Affairs 81, 93 (Summer 1993) (". . . it is clear that an ideology with such a dark vision of history and the contemporary world could only lead to ruthless and cynical policies").

133/ See infra.

134/ See, e.g., John Kifner, "Through the Serbian Mind's Eye", New York Times, 10 April 1994, § 4, at 1 ("The Muslims--whom the Serbs call 'Turks'--are alone among Bosnia's three combatants in being identified by religion, even though they are, overwhelmingly, secular Slavs").

135/ As quoted in P. Forestier, Ex-Yougoslavie: Law Conspiration Psychiatrique, Ethiques et Libertes 5 (on file with the United Nations Commission of Experts). See also Jovan Rašković, Luda Zemlja (1990).

136/ Jovan Rašković, Luda Zemlja 129 (1990).

137/ Misha Glenny, The Fall of Yugoslavia: The Third Balkan War 17 (1992).

138/ See, e.g., P. Forestier, "Psychiatric Genocide! How the Barbarities of "Ethnic Cleansing" were Spawned by Psychiatry", Freedom 6-8 (May 1993).

139/ For a discussion of Rašković's influence on Karadžić's career, see Vjesnik, 9 February 1992.

140/ Donald Horowitz, Ethnic Groups in Conflict 99 (1985).

141/ Mihajlo Crnobrnja, The Yugoslav Drama 170 (1994).

142/ V.P. Gagnon, "Serbia's Road to War", 5 Journal of Democracy 123 (April 1994). See generally Aleksa Djilas, "A Profile of Slobodan Milosevic", Foreign Affairs 81 (Summer 1993). See also Glenn E. Curtis, "Government and Politics", in Yugoslavia: A Country Study 197 (Glenn E. Curtis ed. 1992).

143/ See Aleksa Djilas, "A Profile of Slobodan Milosevic", Foreign Affairs 81 (Summer 1993). For a description of Milošević's rise to power, see Mihajlo Crnobrnja, The Yugoslav Drama 100-06 (1994).

144/ Branka Magaš, "The Destruction of Bosnia-Herzegovina", in Why Bosnia 249 (Rabia Ali & Laurence Lifschultz eds., 1993). For an account of the "anti-bureaucratic" campaign, Misha Glenny, The Fall of Yugoslavia: The Third Balkan War 44 (1992). See also Stan Markotich, "Serbia", 3 RFE/RL Research Report 96 (22 April 1994). Describing the anti-bureaucratic campaign, Markotich states: "Essentially, this strategy involved paying unemployed youths from Serbia proper to travel to the provinces and participate in violent nationalist demonstrations. A typical 'anti-bureaucratic' demonstration would call for ending provincial autonomy and

Notes (continued)

invariably included intimidation of minority residents". Id. For a discussion of the Federal Republic's governmental structure, see Glenn E. Curtis, "Government and Politics", in Yugoslavia: A Country Study 197 (Glenn E. Curtis ed. 1992). By 1989, the State Presidency had evolved from a 23 member group to an eight member group. One member was elected from each Republic and Province.

145/ For example, in early March 1991, demonstrations were held in Belgrade protesting the ruling party's tight control of the news media, as well as Milošević's economic policy and his policy of provoking conflicts with the other republics. Police were called in to crush the demonstrations. V.P. Gagnon, Jr., "Serbia's Road to War", Journal of Democracy 125 (April 1994).

146/ Id. at 126.

147/ As quoted in Misha Glenny, The Fall of Yugoslavia: The Third Balkan War 47 (1992).

148/ See Stan Markotich, "Serbia", 3 RFE/RL Research Report 95-104 (22 April 1994).

149/ The SRS holds 39 seats in Serbia's 250 seat parliament. It received 13 per cent of the votes cast in the December 1993 parliamentary elections. Id. at 95. For a discussion of Šešelj as a paramilitary leader, see Annex III.A, Special Forces.

150/ According to Markotich, "Šešelj campaigned on a platform emphasizing that Milošević and the SPS had grown soft on promoting Serbian nationalism and were weak in pressing for a Greater Serbia". Stan Markotich, "Serbia", 3 RFE/RL Research Report 95 (22 April 1994).

151/ Id. at 96.

152/ Id. See also Annex III.A, Special Forces. For additional examples of human rights abuses against non-Serbs in Serbia and Montenegro, see Human Rights Watch/Helsinki, Human Rights Abuses of Non-Serbs in Kosovo, Sandžak and Vojvodina (May 1994).

153/ Stan Markotich, "Serbia", 3 RFE/RL Research Report 99 (22 April 1994). Milošević has also been criticized by members of his own party. For example, Andjelko Miškov, a prominent SRS supporter who broke with the party, alleged that Milošević "stood by, arms folded" as Croats attacked Serbs in Krajina. Id. at 98.

154/ There were reports that Drašković was severely beaten after his arrest. See United Nations Economic and Social Council, Situation of Human Rights in the Former Yugoslavia, Fifth Periodic Report on the Situation of Human Rights in the Territory of the Former Yugoslavia Submitted by Mr. Tadeusz Mazowiecki, Special Rapporteur of the Commission on Human Rights, pursuant to paragraph 32 of Commission resolution 1993/7 of 23 February 1993, U.N. Doc. E/CN.4/1994/47, at 25 (17 November 1993).

155/ Id.

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156/ Id.

157/ The government of the Federal Republic of Yugoslavia directly controls nationwide television programming (Radio-TV Serbia); however, there is independent news coverage in the print media, such as Vreme. The United Nations' Special Rapporteur has also noted that Croatia's government-controlled electronic media has exacerbated the climate of political hostility. Sixth Periodic Report of the U.N.'s Special Rapporteur for Human Rights, U.N. Doc. E/CN.4/1994/110, at 18 (21 February 1994).

158/ Id. at 21.

159/ Id. According to Mihajlo Crnobrnja, Yugoslavia's former Ambassador to the European Community, "the media stopped at nothing to spread false accusations and even barefaced lies, which had the effect of gradually but surely increasing distrust and even hatred between members of different nationalities". Mihajlo Crnobrnja, The Yugoslav Drama 148 (1994).

160/ Situation of Human Rights in the Former Yugoslavia, Fifth Periodic Report on the Situation of Human Rights in the Territory of the Former Yugoslavia Submitted by Mr. Tadeusz Mazowiecki, Special Rapporteur of the Commission on Human Rights, pursuant to paragraph 32 of Commission resolution 1993/7 of 23 February 1993, U.N. Doc. E/CN.4/1994/47, at 25 (17 November 1993).

161/ Misha Glenny, The Fall of Yugoslavia: The Third Balkan War 44 (1992). See also Yugoslavia: Collapse, War, Crimes 73-119 (Sonja Biserko ed. 1993).

162/ For a report on theft as a motive for "ethnic cleansing", see John F. Berns, "A Serbian Fighter's Tape Trail of Brutality", New York Times, 27 November 1992, at 1.

163/ See, e.g., Mark Thompson, A Paper House: The Ending of Yugoslavia 258 (1992).

164/ 12 August 1991, trans. in Daily Report (Eastern Europe), FBIS, 12 August 1991, at 39.

165/ Šešelj also controls paramilitary units that have engaged in paramilitary operations. See Annex III.A, Special Forces.

166/ As quoted in Der Spiegel 5 August 1991, at 124-26, trans. in Daily Report, FBIS, 5 August 1991, at 51. See also S. Ramet, Nationalism and Federalism in Yugoslavia - 1962-1991 260-63 (1992). Šešelj is also a leader of a paramilitary unit that has been accused of committing some of the worst atrocities of the conflict. See infra; see also Annex III.A, Special Forces.

167/ See Belgrade Domestic Service, 6 January 1990, trans. in Daily Report (Eastern Europe), FBIS, 12 January 1990, at 65; see also Borba, 16 January 1990, at 6, trans. in Daily Report (Eastern Europe), FBIS, 22 January 1990, at 102.

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168/ As reported by Belgrade Radio, 1 July 1991, trans. in FBIS, 2 July 1991, at 69.

169/ Id.

170/ See David B. Oldaway, "Serbs Spurn Bid to Save Peace Pact", Washington Post, 25 April 1993, at A26. However, Serb officials denied that the unification of Bosnia Krajina and the Autonomous Republic of Krajina created a new state. See Tanjug, 28 June 1991, trans. in FBIS, 1 July 1991, at 50.

171/ See, e.g., Helsinki Watch, War Crimes in Bosnia-Herzegovina 47 (1992) (citing Karadžić's letter to United States President George Bush, dated 3 July 1992, as transcribed by Reuters Information Services, 3 July 1992). But see John F. Burns, "Understanding and Letting Loose, Historic Hatreds in the Balkans", New York Times, 17 May 1992, § 4, at 7 (quoting Karadžić as saying "[h]istory has proven it. It is impossible for Serbs to live together with other peoples in a unitary state").

172/ According to the 1991 census, ethnic Serbs constituted 31.4 per cent. See Marc Weller, "The International Response to the Dissolution of the Socialist Federal Republic of Yugoslavia", 86 American Journal International Law 569, 569 (1992). In 1991, it was estimated that the former Yugoslavia's population was 23.4 million. Of BiH's population of 4,364,574, 31.4 per cent were classified as Serbs. See Stjepko Golubić, Susan Campbell & Thomas Golubić, "How Not to Divide the Indivisible", in Why Bosnia 209, 211-12 (Rabia Ali & Lawrence Lifschultz eds., 1993). Within BiH, Muslims are the most numerous group (43.6 per cent) and Bosnia Croats are the third most populous group (17.3 per cent). Id. at 215.

173/ This is true of all three of the principal ethnic groups (i.e., their areas of predominance are neither homogeneous nor contiguous). Id. at 217.

174/ For a somewhat different formulation of these problems, see Misha Glenny, The Fall of Yugoslavia: The Third Balkan War 100 (1992) ("[T]he essential problem of the Yugoslav state lies in the numerical and political dominance of Serbs over Croats; the essential problem of the Croatian state lies in the numerical and political dominance of Croats over Serbs").

175/ Roger Cohen, "Serbian General Who Calls the Shots: Determined, and Calling the West's Bluff", New York Times, 17 April 1994, at 4 (quoting Paul Beaver, a defence expert at Jane's Information Group). The Sandžak is a region within the Republic of Serbia, located on the border of BiH, which is heavily populated by Muslims. See Misha Glenny, The Fall of Yugoslavia: The Third Balkan War 100 and 129 (1992).

176/ The conflict in Slovenia began on 27 June 1991 and ended with a cease-fire on 7 July. The cease-fire was brought about by European Community (EC) mediators. On 5 July, the EC had banned arms exports to the region and suspended approximately $1 billion in aid. Marc Weller, "The International Response to the Dissolution of the Socialist Federal Republic of Yugoslavia", 86 American Journal International Law 569, 570-73 (1992).

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177/ Steven Woehrel & Julie Kim, Croatia: Background and Current Issues, Congressional Research Service Report (3 December 1992). For further discussion of Dubrovnik, see Annex XI.A, The Battle of Dubrovnik and the Law of Armed Conflict. For a description of the Serb ethnic cleansing campaign in Croatia, see Helsinki Watch, War Crimes in Bosnia-Herzegovina 75-81 (1992).

178/ Sporadic violence, however, had occurred as early as September 1991 when two Bosnian Muslims were killed by Serbs near Bratunac, Bosnia. On 12 September 1991, the town of Kostajnica fell to the Serbs. This marked the first time that a section of Bosnia came under such control. Olga Ramljak, "Chronology of Serb Rebellion in Croatia", FBIS, at 23, 26 February 1993.

179/ See Helsinki Watch, War Crimes in Bosnia-Herzegovina 27-30 (1992).

180/ See James Gow, "One Year of War in Bosnia-Herzegovina", 2 RFE/RL Research Report 1 (4 June 1993).

181/ Misha Glenny, The Fall of Yugoslavia: The Third Balkan War 149 (1992).

182/ Id. at 150.

183/ Krešimir Meier & Mirjana Glušac, "Rape as a Means of Battle", Delo, 23 February 1993, at 6, trans. in Daily Report (Eastern Europe), FBIS, 23 March 1993, at 25.

184/ Id.

185/ James Gow, "One Year of War in Bosnia-Herzegovina", 2 RFE/RL Research Report 7 (4 June 1993).

186/ Id.

187/ Milan Vego, "The Yugoslav Ground Forces", Jane's Intelligence Review 247-53 (June 1993).

188/ Id. at 248. According to Vego, the JNA's "reorganization was primarily aimed at consolidating the Serbian-dominated position in BiH and part of Macedonia". Id. In the summer of 1992, further reorganization occurred, and the 4th Military District reportedly was abolished. Id. at 252.

189/ Id. at 250.

190/ Id.

191/ Id.

192/ Id.

193/ James Gow, "One Year of War in Bosnia-Herzegovina", 2 RFE/RL Research Report 8 (4 June 1993).

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194/ The Bosnian government's cooperation with the JNA ceased a few days before the EC recognized the independence of BiH. Id. According to Gow, "[i]n retrospect . . . this campaign had left the Bosnian Territorial Defence Force (already largely disarmed a year previously) and the forces of the Bosnian Internal Affairs Ministry . . . stripped of the means to defend the country . . . ." Id. at 8. Gow also notes that reports of the trial of Colonel General Andrija Vasiljević in Belgrade indicate that Bosnia's Minister of Internal Affairs, Alija Delimustafić, may have been working for the Federal Republic of Yugoslavia's military counter-intelligence. Id. at 18 (citing Vreme, 19 April 1992).

195/ Id.

196/ On 27 April 1992, the Socialist Federal Republic of Yugoslavia (SFRY) changed its name to the Federal Republic of Yugoslavia (FRY). See Marc Weller, "The International Response to the Dissolution of the Socialist Federal Republic of Yugoslavia", 86 American Journal International Law 569, 595 (1992).

197/ See Helsinki Watch, War Crimes in Bosnia-Herzegovina 35-36 (1992).

198/ Rodovan Karadžić, the President of the Serbian Republic of Bosnia-Herzegovina, announced on 17 May 1992 that 55,000 Bosnian Serbs would be transferred from Yugoslav Army units in Bosnia to the Serb Republic. He also said that Yugoslav General Ratko Mladić would command the troops. Nevertheless, Karadžić maintained that this new army was completely independent of Serbia and the Federal Republic of Yugoslavia. He stated "Serbians or Yugoslavs have nothing to do with our rights down there [in Bosnia]. I can see that nobody believes this, but it is the truth". John F. Burns, "Understanding and Letting Loose, Historic Hatreds in the Balkans", New York Times, 17 May 1992, § 4, at 7.

199/ See generally Annex III, Military Structure; Annex III.A, Special Forces; Annex V, Prijedor.

200/ See Helsinki Watch, II War Crimes in Bosnia-Herzegovina 42-49 (April 1993). See also Annex V, The Prijedor Report.

201/ See Médecins Sans Frontières (Doctors Without Borders), Ethnic Cleansing in the Kozarac Region (Bosnia-Herzegovina) (7 December 1992).

202/ See infra part 3 on "ethnic cleansing" operations in the north-east city of Zvornik from April through June 1992 (Vienna, 6 April 1994).

203/ See infra.

204/ Many of the homes of Bosnian Muslims are not only destroyed by artillery fire; they appear to be deliberately destroyed by Bosnian forces to prevent the Muslim population from returning. For example, T.D. Allman, a foreign correspondent for Vanity Fair magazine reports, after travelling through Serb-held Bosnia, that ". . . every house has been destroyed in exactly the same way--from within, by demolition squads . . . [t]here is no resentful population in the towns Serbs have seized, because there is no one left". T.D. Allman, "Serbia's Blood War", in Why Bosnia 47 (Rabia Ali & Laurence Lifschultz eds., 1993).

Notes (continued)

205/ See, e.g., Helsinki Watch, War Crimes in Bosnia-Herzegovina 62 (1992) (paramilitary snipers in Bijeljina kill Muslim men).

206/ See discussion of Prijedor and Kozarac, infra.

207/ Id. Mass killings have also been reported in Bijeljina, Foča, Visegrad and Bratunac. See Helsinki Watch, War Crimes in Bosnia-Herzegovina 63 (1992).

208/ For instance, Helsinki Watch states:

> "Prior to their expulsion from Serbian-controlled areas of Bosnia, some non-Serbs are forced to sign statements that they are voluntarily leaving the area. In other cases, civilian authorities draft and issue statements in which the signatory relinquishes all claims to his or her property to the local Serbian-controlled agencies, usually to the municipal [opština] authorities or to the town council [mesna zajednica]".

Helsinki Watch II, supra note 184, at 12.

209/ Id. at 42. The pre-war population of Prijedor was 44 per cent Muslim 42.5 per cent Serb and 5.6 per cent Croat (the remainder "other") according to the 1991 census. Stjepko Golubić, Susan Campbell & Thomas Golubić, "How Not to Divide the Indivisible", in Why Bosnia 209, 231 (Rabia Ali & Lawrence Lifschultz eds., 1993). See also Annex V (The Prijedor Report).

210/ Helsinki Watch, II War Crimes in Bosnia-Herzegovina 42-43 (April 1993).

211/ SDS is the "Sister Party" of Serbia's Socialist Party (SPS), headed by Slobodan Milošević. Prior to the dissolution of FRY, SPS had been the ruling Communist Party.

212/ Helsinki Watch, II War Crimes in Bosnia-Herzegovina 44 (April 1993).

213/ Id.

214/ Id. at 45.

215/ Id. at 48-49.

216/ See United Nations Economic and Social Council, Situation of Human Rights in the Former Yugoslavia, Fifth Periodic Report on the Situation of Human Rights in the Territory of the Former Yugoslavia Submitted by Mr. Tadeusz Mazowiecki, Special Rapporteur of the Commission on Human Rights, pursuant to paragraph 32 of Commission resolution 1993/7 of 23 February 1993, U.N. Doc. E/CN.4/1994/47, at 11 (17 November 1993). In addition, only 1,000 Muslims remain in Doboj, out of 43,000 who were there for the 1991 census. In Bosanski Novi, only 800 of 15,000 Muslims remain. Id.

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217/ See Médecins Sans Frontières (Doctors Without Borders), Ethnic Cleansing in the Kozarac Region (Bosnia-Herzegovina) (7 December 1992).

218/ Id. at 6.

219/ See Boltzman Report, infra. See also Helsinki Watch, II War Crimes in Bosnia-Herzegovina 222 (April 1993).

220/ Boltzman Report, ¶¶ 217-27 infra.

221/ Id. at ¶ 222 infra.

222/ Id. at ¶¶ 223-29 infra.

223/ Id. at ¶ 226 infra.

224/ Id. at ¶ 227 infra. "Arkan" is the nom de guerre of Željko Ražnjatović. His role in the conflict is discussed further, infra. See also Annex III.A, Special Forces.

225/ It was also reported that Arkan attacked the Muslim negotiators. Boltzman Report, ¶ 227 infra.

226/ Arkan's troops are also known as "Tigers". See infra.

227/ Boltzman Report, ¶ 231 infra.

228/ The Šešeljovci are loyal to Vojislav Šešelj, a member of the Republic of Serbia's parliament. His role in the conflict is discussed further, infra, this section. Šešelj's troops are more commonly called "Četniks".

229/ The White Eagles are a paramilitary unit led by Mirko Jović, the leader of the Serbian National Renewal Party. See infra this section. See also Misha Glenny, The Fall of Yugoslavia: The Third Balkan War 39 (1992).

230/ Boltzman Report, ¶ 231 infra.

231/ Id. at ¶ 234 infra.

232/ Id. at ¶ 243 infra.

233/ Id. at ¶ 247 infra.

234/ Id. at ¶ 251 infra.

235/ Id. at ¶ 255 infra.

236/ Monster Town, Vreme, No. 112, 15 November 1993, at 18.

237/ See, e.g., Helsinki Watch, War Crimes in Bosnia-Herzegovina 50-63 (1992).

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238/ See First Periodic Report of the U.N.'s Special Rapporteur on Human Rights, U.N. Doc. E/CN.4/1994/3 (5 May 1993).

239/ John F. Burns, "A Serbian Fighter's Trail of Brutality", New York Times, 27 November 1992, at 1.

240/ Id. Herak also stated that he killed five Muslim men who had been taken from a prison camp to dig trenches for Serb troops. Herak killed them after his companion told him the Muslims were performing their work poorly. Id.

241/ Id.

242/ Id.

243/ Roy Gutman, A Witness to Genocide 44 (1993) (quoting a former prisoner at Omarska identified only as "Meho"). See also Annex VIII, Prison Camps.

244/ Roger Cohen, "Bosnian Camp Survivors Describe Random Death", New York Times, 2 August 1994, at 1. According to the newspaper article, prison camp survivors confirmed Popović's report of executions and rapes.

245/ Id.

246/ New York Times News Service, "Serbs Carry Out New Ethnic Purge, U.N. Says", Chicago Tribune, 3 September 1994, § 1, at 18. See also New York Times News Service, "Serbs Renew 'Ethnic Cleansing': Despite Promises, Bosnian Muslims Herded form Homes", Chicago Tribune, 20 September 1994, § 1, at 9.

247/ See Médecins Sans Frontièrs (Doctors Without Borders), Ethnic Cleansing in the Kozarac Region (Bosnia-Herzegovina) 15 (7 December 1992) ("[t]he camps are administered by armed and uniformed Serbs. The majority of the guards are known to the detainees as they come from neighbouring villages"; one former camp detainee is quoted as saying of the guards "[w]e used to party together; our children went to school together"). Staff of Senate Committee on Foreign Relations, 102d Cong., 2d Sess., The Ethnic Cleansing of Bosnia-Hercegovina 8-9 (Comm. Print 1992).

248/ This issue is relevant with respect to establishing individual guilt under applicable international law. A finding of "state action", for example, would be necessary before the provisions of international humanitarian law could be invoked. See M. Cherif Bassiouni, Crimes Against Humanity 248-59 (1992).

249/ Helsinki Watch, II War Crimes in Bosnia-Herzegovina 32-42 (April 1993).

250/ See Mary Battiata, "Bosnian Serb Police Unit is Accused of Massacre of Muslim Prisoners", Washington Post, 22 September 1992, at A17.

251/ Roy Gutman, "There is no Food, There is no Air", Newsday, 19 July 1992, at 7.

Notes (continued)

252/ See generally Annex III.A, Special Forces.

253/ Stan Markotich, "Serbia", 3 RFE/RL Research Report 95-100 (22 April 1994).

254/ Id. at 96.

255/ Id.

256/ Vojislav Šešelj is the leader of the Serbian Radical Party; Arkan, the Party of Serb Unity; and Mirko Jović is the leader of the Serbian Renewal Movement. For a review of Šešelj's and Arkan's role in Serbian domestic politics, see generally Stan Markotich, "Serbia", 3 RFE/RL Research Report (22 April 1994).

257/ Staff of Senate Committee on Foreign Relations, 102d Cong., 2d Sess., The Ethnic Cleansing of Bosnia-Hercegovina 16 (Comm. Print 1992).

258/ See Der Spiegel, 5 August 1991, at 124-126, trans. in Daily Report (Eastern Europe), FBIS, 5 August 1991, at 51-52 (interview with Vojislav Šešelj).

259/ Id.

260/ Id.

261/ Blaine Harden, "The Men Behind the Terror in Yugoslavia", Washington Post, 15 February 1993, at 24.

262/ Arkan's troops also were involved in the attack on Zvornik. See supra notes 209-14 and accompanying text.

263/ According to a report in Vreme, Belgrade's only English language daily newspaper, "[i]t is public knowledge who sacked Zvornik: the Serbia Volunteer guards led by Željko Ražnjatović (Arkan), local territorial fighters, the "Panthers" from Bijeljina under the command of Major Ljubiša Savić ("Mauzer") and assorted volunteers from Serbia. Miloš Vasić & Filip Svarm, "Political Games: The Chetnik's Watergate", Vreme, No. 112, 15 November 1993.

264/ Blaine Harden, "The Men Behind the Terror in Yugoslavia", Washington Post, 15 February 1993, at 24.

265/ Id.

266/ Id.

267/ Id. See also Annex III.A, Special Forces.

268/ Chuck Sudetic, A Shady Militia Chief Arouses Serbs, New York Times, 20 December 1992, at 1, 12.

269/ Id.

Notes (continued)

270/ Id.

271/ Id. (The press in Slovenia, Croatia and Belgrade also have reported that Arkan once worked abroad as a government "hit man").

272/ Stan Markotich, "Serbia", 3 RFE/RL Research Report 96 (22 April 1994).

273/ Id. at 96.

274/ Id. at 97 (citing Borba, 11 November 1993).

275/ Id. at 97. A vote was not taken on the motion; Milošević dissolved parliament and called for elections instead. Id.

276/ Aleksandar Ćirić, "The Balkan Archeology", Vreme, No. 112, 15 November 1993, at 7. In November 1993, several prominent SRS party members were arrested. Milenko Retrić, vice president of the Sid SRS, for example, was arrested for committing four murders in Vojvodina. According to Radio Serbia, none of the persons arrested have been charged with crimes committed outside of the Federal Republic of Yugoslavia (Serbia and Montenegro). Id. at 97. But see Id. at 9 ("Radicals in Belgrade are being charged with crimes against the civilian population in the vicinity of Zvornik; a radical who was there said they had 'fooled around a bit, cleansed the place and had a bit of fun.'" Id. In June 1994, a Serb was indicted in the district court in Šabac, Serbia for killing 16 Muslim civilians in Zvornik. Dušan Vučković, described as a 31 year-old volunteer, was charged with killing a group of Muslims as they huddled in a cultural centre that had been converted into a prison. Roger Cohen, "Serbs Put a Serb on Trial for War Crimes", New York Times, 12 June 1994, at Y4.

277/ During the Second World War, the "White Eagles" was closely aligned with another organization, Zbor, which was a pro-fascist military movement during the Second World War. See Dejan Anastasijević, "Eagles with Clipped Wings", Vreme, No. 113, 22 November 1993, at 15.

278/ Id.

279/ Id. at 16.

280/ Id. at 17.

281/ Id. at 17.

282/ Vuk Drašković later became the leader of SPO. In November 1993, Drašković and Civic Alliance leader Vesna Pešić formed an alliance known as the Democratic Movement of Serbia (DEMOS). Milan Milošević, "The Left and the Right Shake Hands", Vreme, No. 113, 22 November 1993, at 1.

283/ Dejan Anastasijević, "Eagles with Clipped Wings", Vreme, No. 113, 22 November 1993, at 17.

284/ Id. at 18.

Notes (continued)

285/ Chuck Sudetic, "A Shady Militia Chief Arouses Serbs", New York Times, 20 December 1992, § 1, at 12. Arkan also testified in his 1986 trial for assaulting a man in an elevator that he worked "for the Federal Interior Ministry in the Division of Foreign Emigrés". Id.

286/ Der Spiegel 5 August 1991, at 124-26, trans. in Daily Report, FBIS, 5 August 1991, at 51.

287/ Id.

288/ See, e.g., Elaine Sciolino, "U.S. Names Figures to be Prosecuted over War Crimes", New York Times, 12 December 1992, at A1 (then Secretary of State Laurence S. Eagleburger identified Radovan Karadžić and General Ratko Mladić as suspected war criminals; also identified were Borislav Herak; "Adil" and "Arif", two members of a Croatian paramilitary unit; Željko Ražnjatović; Vojislav Šešelj; Drago Prčac, the commander of Omarska prison camp; Adem Delić, commander of the Čelebići prison camp; and Slobodan Milošević).

289/ M. Cherif Bassiouni, Crimes Against Humanity 240-44 (1992) (discussing the public law connection between individual conduct and state action or policy). For the prerequisite legal elements of "Crimes Against Humanity", see id. at 248; see also Genocide Convention, art. IV ("Persons committing genocide . . . shall be punished, whether they are constitutionally responsible rulers, public officials, or private individuals"). Convention on the Prevention and Suppression of the Crime of Genocide, 9 December 1948, 78 United Nations Treaty Series 277, reprinted in 45 American Journal International Law 7 (1951) (Supp.).

290/ See "Profile: Happy to Butcher Bosnia", The Independent, 9 January 1993 at 14; Tanjug (10 July 1991), trans. in Daily Report (Eastern Europe), FBIS, 11 July 1991, at 42.

291/ See Misha Glenny, The Fall of Yugoslavia: The Third Balkan War 149-50 (1992) (Presidents Milošević and Karadžić discuss the shipment of arms in connection with Operation RAM).

292/ See "A Serbian Voice: Karadzic: We Want Peace, Not Land, In Bosnia", The Gazette, 29 August 1992, at B5.

293/ David Binder, "Bosnian Serb Leader Says His People Fight Out of Fear and in Self-Defense", New York Times, 5 March 1993, at A8.

294/ Roy Gutman, A Witness to Genocide 158 (1993).

295/ Id. at 159 (quoting the Bosnian State Commission on War Crimes).

296/ See discussion infra.

297/ Roger Cohen, "Serbian General Who Calls the Shots: Determined and Calling West's Bluff", New York Times, 17 April 1994, at A4.

298/ Id. See also John F. Burns, "A Serb, Fighting Serbs, Defends Sarajevo", New York Times, 26 July 1992, at 12 (General Mladic quoted as telling his officers "burn it [Sarajevo] all").

Notes (continued)

299/ Slobodan Lekić, "Yugoslavia - Top Gun", Associated Press Wire Service, 8 April 1993.

300/ Id.

301/ "French Groups Want Mladic Tried for War Crimes", Reuter Wire Service, 21 April 1994.

302/ TWRA Press Release (Zagreb, Croatia), 9 April 1994 (captured Serb states that he was released from prison where he was serving a sentence for rape; he stated that the warden told him that the warden had been authorized by General Mladić to recruit the most violent criminals).

303/ See Annex III, Military Structure.

304/ For examples of repression in Serbia's Sandžak region, see Dino Ramović, "Misery in a Land of Plenty", Bosnia Winter Watch, No. 2, 29 November 1993, at 7. See also Human Rights Watch/Helsinki, Open Wounds: Human Rights Abuses in Kosovo 95-100 (March 1993).

305/ Human Rights Watch/Helsinki, Open Wounds: Human Rights Abuses in Kosovo (March 1993).

306/ David C. Isby, "Yugoslavia 1991 - Armed Forces in Conflict", Jane's Intelligence Review, 402 (September 1991).

307/ See James Gow, "One Year of War in Bosnia-Herzegovina", 2 RFE/RL Research Report 10 (4 June 1993).

308/ Milan Vego, "The Yugoslav Ground Forces", Jane's Intelligence Review 250 (June 1993).

309/ Id.

310/ Blaine Harden, "Sarajevo Greets U.N. Peace Keepers; Continued Shooting Blocks Plan to Reopen Airport for Food", Washington Post, 12 June 1992, at A1. For additional examples of alleged FRY involvement in the conflict in Bosnia, see Case Concerning Application of the Convention on the Prevention and Punishment of the Crime of Genocide, (Bosnia and Herzegovina v. Yugoslavia (Serbia and Montenegro)), 1993 ICJ (13 September) (Separate Opinion of Judge Ad Hoc Lauterpacht).

311/ Report by the Chairman, Subcommittee on European Affairs, to the Committee on Foreign Relations, to Stand Against Aggression: Milošević, the Bosnian Republic, and the Conscience of the West, United States Senate (19 April 1993).

312/ See Milan Vego, "Federal Army Deployments in Bosnia and Herzegovina", Jane's Intelligence Review 448 (October 1992). Other supply routes reportedly run across the Drina River at Loznica, Bratunac, and Visegrad. Id. Croatian forces in Bosnia have also received assistance from Croatia. See Milan Vego, "The Croatian Forces in Bosnia and Herzegovina", Jane's Intelligence Review, 99-102 (March 1993).

Notes (continued)

313/ Chuck Sudetic, "Serbia Isolating Allies in Bosnia", New York Times, 5 August 1994, at 1.

314/ Stephen Kinzer, "Belgrade Appears to be Cutting Off the Bosnian Serbs", New York Times, 7 August 1994, at 1.

315/ The Bijeljina garrison belonged to the 17 Corps Tuzla.

316/ Until the re-organization of the former JNA, the headquarters of the 12th Corps Novi Sad commanded "operative groups" as part of its "sector command North", which were under direct control of the general staff, including at least 3 brigades and additional forces. Further "operative groups" were under the authority of the "sector command South", consisting of the headquarters of the Belgrade-based "mechanized division" with at least 6 brigades, one partisan brigade and one artillery brigade.

317/ All along, the units from Šabac and Sremska Mitrovica were under the authority of the 12th Corps Novi Sad.

318/ The unit in Valjevo was always under the command of the 1st Corps Belgrade. Until the fall of 1991 the units from Šabac, Sremska Mitrovica and Valjevo were readily-deployable units. All these units belonged to the First Military District of Belgrade.

319/ Up to the re-organization of the former JNA, the 21st Corps stationed in Niš was under the authority of the Third Military District of Skopje. Later a separate Third Military District of Niš was established.

320/ According to one respondent, on 25 March, Šešelj personally brought hand-carried weapons into the church of Šćemlije, where he was received by Boško Ceranić, a SDS activist in Šćemlije.

321/ The Serbian Police of Zvornik repeatedly transferred its headquarters: from April (i.e., immediately after the separation into a Muslim and Serbian militia) until mid-April, it was located on the premises of the "Alhos" factory in the Karakaj industrial zone. After that, the Serbian militia moved into the factory of "Novi Standard", then after the fall of Kulagrad into the Hotel Drina in the town of Zvornik, and finally back again into the building of the former militia (SUP).

322/ A number of detailed testimonies from survivors of the camps at Karakaj are available to BIM. All of them are suitable for submission to the International War Crime Tribunal.

323/ For a list of the camps see Appendix I.

324/ According to some witnesses, fatalities occurred in the Zvornik hospital, mostly as a result of blood withdrawals being conducted until the advent of death.

325/ In Subotica, some of the deportees encountered persons who had already taken part in the aggressions in Zvornik. In Subotica, these people were responsible, inter alia, for the issuance of Yugoslav passports to deportees from Zvornik.

FINAL REPORT OF THE UNITED NATIONS COMMISSIONS OF EXPERTS ESTABLISHED PURSUANT TO SECURITY COUNCIL RESOLUTION 780 (1992)

ANNEX V
THE PRIJEDOR REPORT

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Established Pursuant to Security Council
Resolution 780 (1992)

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Part One

SUMMARY AND CONCLUSIONS

OPŠTINA PRIJEDOR, A DISTRICT IN NORTH-WESTERN BIH: ALLEGED GENOCIDE AND MASSIVE VIOLATIONS OF THE ELEMENTARY DICTATES OF HUMANITY

I. THE STATEMENTS

1. The statements were collected and presented by Commissioner Hanne Sophie Greve and Assistant to the Commission Morten Bergsmo.

2. For security reasons, the information gathered from victims and witnesses is kept confidential. These statements are contained in four separate volumes (a total of 911 pages) and are provided exclusively to the Office of the Prosecutor of the International Criminal Tribunal for the Former Yugoslavia (ICTFY).

II. GENERAL DESCRIPTION

3. Opština Prijedor is a district located in north-western Bosnia and Hercegovina (BiH) in an area which is part of Bosnian Krajina. It is located in between the town of Sanski Most (to the south), the Bosnian-Croatian border towns of Bosanski Novi (to the west) and Bosanska Dubica (to the north), and the regional capital of Banja Luka (to the east). Except for the area of Sanski Most, the other neighbouring districts had Serbian majority populations before the armed conflicts started in BiH.

4. According to the 1991 census, Opština Prijedor had a total population of 112,470 people, of whom 44 per cent were Muslims, 42.5 per cent Serbs, 5.6 per cent Croats, 5.7 per cent "Yugoslavs" and 2.2 per cent others (Ukrainians, Russians and Italians). In early April 1992, the total population may have been approximately 120,000 people, augmented, inter alia, by an influx of people who had fled the destruction of their villages in areas to the west of Opština Prijedor.

5. Comparing the 1991 census figures with the results of a population count of June 1993, as published in Serbian-controlled media, gives the following overall picture:

	1991	1993	Reduction	New arrivals
Serbs	47,745	53,637	---	5,892
Muslims	49,454	6,124	43,330	---
Croats	6,300	3,169	3,131	---
Others	8,971	2,621	6,350	---

Thus, the total number of killed and deported persons as of June 1993 is 52,811 (including limited numbers of refugees and people missing). Since then, the number of non-Serbs in the district has continued to decrease. The extreme persecution to which non-Serbs are subjected and their almost total lack of protection in the district is illustrated by the fact that the ICRC and the UNHCR asked permission from the Serbs, ultimo March 1994, to evacuate all remaining non-Serbs from Opština Prijedor.

III. SERBS TAKE POWER ON 30 APRIL 1992

6. According to Kozarski Vjesnik, a Serbian-controlled newspaper in Opština Prijedor:

> "The man [Simo Drljača], who the Serbian Democratic Party of the Opština Prijedor put in charge of forming the Serbian police after half a year of illegal work, had done his job so well that in 13 police stations 1,775 well armed persons were waiting to undertake any difficult duty in the time which was coming. In the night between 29 and 30 April 1992, he directed the takeover of power [by the Serbs], which was successfully achieved in only 30 minutes, without any shots fired. The assembly of the Srpske Opštine Prijedor, at the end of March last year [1992], appointed him Chief of the public security station [i.e. in charge of the secret police]. He was in charge of this job during the most demanding period and remained in the position until January 1993. These days he has been appointed Vice-Minister of Internal Affairs of the Serbian Republic. He will commence his new function in Bijelina on Monday." 1/

7. More than six months prior to the power change in 1992, the Serbs started to build up their own administration parallel to the legitimate authorities in Opština Prijedor, what they called the Serbian Opština Prijedor. This included, inter alia, a pure Serbian police force with secret service functions. The legitimate authorities in Opština Prijedor had been lawfully elected and the Prijedor Assembly reflected the ethnic composition of the district.

8. In early 1992, a very small Serbian paramilitary group took control of the television transmitter on the Kozara Mountain in Opština Prijedor. As a consequence, the population in the district could not receive television programmes from Sarajevo or Zagreb any longer, only from Belgrade and later Banja Luka. The television programmes from Belgrade insinuated that non-Serbs wanted war and threatened the Serbs.

9. Prior to the power change on 30 April 1992, Serbs secretly armed other Serbs in the district. Many soldiers from the JNA withdrew from Croatia to north-western BiH in early 1992. Instead of demobilizing those who returned to Opština Prijedor, the legitimate authorities were pressured to accept redeploying them to control all inroads to and exits from the district together with police and the TO. The pressure applied was an ultimatum. The legitimate authorities were invited for a guided sightseeing tour of two Croatian villages just north of Bosanska Gradiška which had been destroyed and left uninhabited. The message was that if the ultimatum was not met, the fate of Prijedor would be the same as that of these villages. The ultimatum was accepted.

IV. IMMEDIATE CONSEQUENCES OF THE SERBS TAKING POWER

10. An immediate consequence of the Serbian takeover was severed communications between Opština Prijedor and the outside world. It became more difficult to travel and the telephone system was no longer fully operational. A curfew was introduced in Prijedor town - the main town in the district - and travel permits were required in many areas even to move among local villages. Bus services were closed down.

11. In the wake of the power change, most non-Serbs were dismissed from their jobs, be it as police, public officials or even manual workers. In all

key functions such as police and local administration, the empty posts were taken over by Serbs.

12. Already before 30 April 1992, Serbs had started to visit the non-Serbs who were licensed to hold weapons and demand that they give their weapons up. This process was intensified after the takeover, and combined with a campaign where non-Serbian police and Territorial Defence Forces (Teritorijalna Odbrana or TOs) were instructed to hand over their weapons, and non-Serbian houses and villages were searched for arms.

13. Also, the local media, Radio Prijedor and Kozarski Vjesnik, joined in the anti non-Serb propaganda. The media slandered former non-Serbian leaders by criticizing everything from their alleged lack of efficiency to their private lives. In addition, the media claimed that many dangerous - in particular Muslim - extremists were in the area, preparing genocide against the Serbs.

V. THE MAJOR SERBIAN MILITARY OPERATIONS IN THE DISTRICT

14. Following an incident in which less than a handful Serbian soldiers were shot dead under unclear circumstances, the village of Hambarine was given an ultimatum to hand over a policeman who lived nearby where the shooting had occurred. As it was not met, Hambarine was subjected to several hours of artillery bombardment on 23 May 1992. The shells were fired from the aerodrome Urije just outside Prijedor town. When the bombardment stopped, the village was stormed by infantry, including paramilitary units, which sought out the inhabitants in every home. Hambarine had a population of 2,499 in 1991.

15. On 24 May 1992, a large-scale attack on the entire Kozarac area east of Prijedor town, under the Kozara Mountain, was carried out with intensive bombardment from all directions by artillery, tanks, and small firearms. The bombardment lasted for more than 24 hours, before infantry and paramilitary groups stormed Kozarac and nearby villages and searched for people in every building. The affected area had a total population of almost 27,000 non-Serbian people.

16. On 30 May 1992, a group of probably less than 150 armed non-Serbs had made their way to the Old Town in Prijedor to regain control over the town. They were defeated, and the Old Town was razed. In the central parts of Prijedor town, all non-Serbs were forced to leave their houses as Serbian military, paramilitary, police and civilians advanced street by street with tanks and lighter arms. The non-Serbs had been instructed over the radio to hang a white piece of cloth on their homes to signal surrender.

17. Starting on 20 July 1992, a large area of predominantly non-Serbian villages on the left bank of the Sana River (the larger Hambarine/Ljubija area) was attacked in a similar manner to the Kozarac area. However, it was predominantly infantry and paramilitary groups that carried out the destruction. At the time of the attack, the areas had a population of close to 20,000 people, including people who had come for shelter after their villages west of Opština Prijedor had been destroyed.

18. Today, the former homes of almost 47,000 people in the Kozarac and Hambarine/Ljubija areas are empty and destroyed. Some were hit by artillery shells, while others were set ablaze in the initial attack. All the homes were pillaged and a large number blown up, one at a time from inside, destroying especially the inside and the roofs. Most of the artillery used during these attacks had been moved into position some time before the Serbs

took power on 30 April 1992.

VI. CONCENTRATION CAMPS AND DEPORTATIONS

19. As non-Serbs were attacked in the villages and Prijedor town, hundreds, possibly thousands, were killed in their home areas, frequently after maltreatment. The survivors who temporarily managed to flee or hide were divided. Females, boys under the age of sixteen (sometimes the age limit may have been lower) and elderly men (older than 60 or 65) made up one group, while the other men comprised the second group.

20. The second group - the men - were taken to hastily opened concentration camps in a ceramic tile factory, Keraterm, next to Prijedor town and on the premises of the iron ore mine and processing plant at Omarska. Massacres, torture, and appalling living conditions quickly depleted the number of detainees.

21. In an interview of Simo Drljača (Chief of the Serbian secret police in Prijedor), he stated that:

> "In the collection centres 'Omarska', 'Keraterm', and 'Trnopolje' more than 6,000 informative talks were held. Of this number 1,503 Muslims and Croats were sent to the camp 'Manjača', on the basis of solid documentation of active participation in the fighting against the Army of Republica Srpska, and also participation in genocide against the Serbian people. Instead of letting them get their deserved punishment, the powerful men of the world expressing disdain forced us to release them all from Manjača." 2/

22. As the "informative talks" or interrogations basically took place in the Omarska and Keraterm camps, it can be concluded that more than 6,000 adult males were taken to these concentration camps in the short period they existed (from the end of May to the beginning of August 1992). Since only 1,503 were moved on to Manjača camp according to Mr. Drljača, a limited number transferred to the Trnopolje camp, and almost none released, it may be assumed that the death toll was extremely high, even by Serbian accounts. The concentration camp premises were sometimes so packed with people that no more inmates could be crammed in. On at least one occasion, this allegedly resulted in an entire bus-load of newly captured people being arbitrarily executed en masse. Some 37 women were detained in Omarska, whilst no women were kept over time in Keraterm.

23. The women's groups (almost all the females, the boys under the age of sixteen and the elderly men) were normally taken to the Trnopolje camp. Here the regime was far better than in Omarska and Keraterm; none the less harassment and malnutrition was a problem for all the inmates. Rapes, beatings and other kinds of torture and even killings were not rare. Some of these detained women were released after a few days as there was a lack of space in the Trnopolje camp as well.

24. On their way to the concentration camps, some captives were detained for shorter periods at improvised detention facilities such as sports halls in schools and stadiums (notably in the Prijedor suburb of Tukovi, and in Ljubija).

25. As soon as the Serbs had captured the first groups of non-Serbs, the large-scale deportations of the women's group started. Some were deported straight from the improvised detention facilities, the majority from the

Trnopolje camp. The majority of deportees were cramped into buses or onto military trucks and sent towards Travnik. These deportees had to walk almost 30 kilometres from where the trucks and buses dumped them in a desolate area on the outskirts of the Vlašić Mountain, to reach non-Serbian-held areas in central BiH. A few were deported the safer way to Bosanska Gradiška. Sizable numbers were taken by rail - many in cattle wagons - to Travnik, some were let off the trains in Doboj from where they were ushered ahead on foot in the direction of Tuzla. Some individuals perished during the transport due to the mid-summer heat and next to suffocating conditions both in cattle wagons and on closed military trucks where the deportees were also deprived of food and water.

VII. THE STRATEGY OF DESTRUCTION

26. The Serbs took power in Opština Prijedor on 30 April 1992, after more than six months of careful planning. After this, the non-Serbs had their homes and communities destroyed, their families split, and their employment denied. The majority of the non-Serbs were soon captured, thousands incarcerated in concentration camps, and even larger numbers deported. This all happened after the Serbs had sealed off most exits from the area. The non-Serbs presented no real threat to the Serbs under these circumstances, the district of Prijedor being surrounded at the time by areas controlled and dominated by the Serbs (the non-Serb majority population in the Sanski Most district was purged simultaneously as in Prijedor).

27. Despite the absence of a real non-Serbian threat, the main objective of the concentration camps, especially Omarska but also Keraterm, seems to have been to eliminate the non-Serbian leadership. Political leaders, officials from the courts and administration, academics and other intellectuals, religious leaders, key business people and artists - the backbone of the Muslim and Croatian communities - were removed, apparently with the intention that the removal be permanent. Similarly, law-enforcement and military personnel were targeted for destruction. These people also constituted a significant element of the non-Serbian group in that its depletion rendered the group at large defenceless against abuses of any kind. Other important traces of Muslim and Croatian culture and religion - mosques and Catholic churches included - were destroyed.

VIII. THE GENERAL LACK OF PROTECTION FOR NON-SERBS

28. From the time when the Serbs took power in the district of Prijedor, non-Serbs in reality became outlaws. At times, non-Serbs were instructed to wear white arm bands to identify themselves. Non-Serbs were subjected to crimes without the new Serbian leaders attempting to redress the problem. For example, rape became a serious problem for many women who were left alone as their husbands had been detained. The impression was allowed to spread among Serbs that they would be exonerated if they made life difficult for non-Serbs so that the latter would ask permission to leave the district. According to new Serbian regulations, those leaving the district had to sign over their property rights to Serbs and accept never to return, being told that their names simultaneously would be deleted from the census.

IX. RESPONSIBILITY

29. When the Serbs took power in the district of Prijedor, they immediately declared the existence of a Crisis Committee of the Serbian district of Prijedor (Krizni Štab Srpske Opštine Prijedor). Some of the members of this

crisis committee were the military commanders Colonel Vladimir Arsić and Major Radmilo Zeljaja, and other district leaders, such as Major Slobodan Kuruzović; the Chief of Police, Simo Drljača; Mayor Milomir Stakić; the President of the Executive Board of the Assembly in Prijedor, Mićo Kovačević; the President of the Serbian Democratic Party (Srpska Demokratska Stranka or SDS) in Prijedor, Simo Mišković; and the President of the Red Cross in Prijedor, Srdjo Srdić.

30. The military destruction of the non-Serbian habitations in Opština Prijedor took place when the area was under the command of Colonel Vladimir Arsić and Major Radmilo Zeljaja in close cooperation with military superiors, at least in the regional capital Banja Luka. Units stationed outside of Opština Prijedor assisted in the military destruction, as did paramilitary units whose attacks were timed to fit with the artillery attacks and the manoeuvres of the regular army units.

31. In the above-mentioned interview, Simo Drljača stated that:

> "[T]hey [the police force (including the secret services)] carried out my orders and the orders of the CSB [the Public Security Centre] Banja Luka and the Minister of Interior.
>
> ...
>
> ... the cooperation was excellent with the Army of Republika Srpska and with the officers of that army. The cooperation was manifested in the joint cleansing of the terrain of traitors, joint work at the checkpoints, a joint intervention group against disturbances of public order and in fighting terrorist groups." 3/

32. The secret police and the military police provided the concentration camps with interrogators and guards. For some of the most gruesome torture and killings of detainees, the assistance of paramilitary units and some locals was also called upon. The joint police and military intervention units were used to trace and capture the non-Serbian leadership. The latter units killed prisoners arbitrarily during transport to the Manjača camp and arranged mass-killings of "deported" prisoners in the Vlašić Mountain area.

33. The other members of the Krizni Štab Srpske Opštine Prijedor ran the community in which all these violations occurred. They participated in the administrative decision-making. The gains of the systematic looting of non-Serbian property were shared by many Serbs on different levels.

34. The Commission of Experts possesses the names of hundreds of alleged perpetrators at different levels and in a variety of capacities.

X. CONCLUSIONS

35. It is unquestionable that the events in Opština Prijedor since 30 April 1992 qualifies as crimes against humanity. Furthermore, it is likely to be confirmed in court under due process of law that these events constitute genocide.

Part Two

THE CONTEXT

36. "Though this be madness, yet there is method in it."
-William Shakespeare, Hamlet

I. PREFACE

37. The Commission of Experts has been mandated to examine and analyze information gathered and to pursue actively its investigations with regard to, in particular, the practice of "ethnic cleansing".

38. This initial analysis of the context of the events in Opština Prijedor is based on almost 400 statements by surviving victims of and witnesses to these events currently living in different countries, local Serbian media reports of the events and research into the context of the events. The statements from almost 400 victims and witnesses are contained in four separate confidential volumes.

39. The hundreds of informants presented descriptions of different parts of the events and also various versions of the events - differences appear, however, only as far as details are concerned. When it comes to the overall and general picture, the witnesses speak as if with one voice - as the case often is with the expression of the collective memory of a population having shared in a major painful event. More often than not, available Serbian media reports and statements made by Serbian leaders to foreign visitors to the area - official delegations among them - support the general overall information obtained from the victims and witnesses.

40. When mapping experts map out alien territory, the obligatory reservation on each map reads, "Compiled in 19.. from best available source material". A similar reservation is necessary concerning the accuracy of this analysis. The analysis is, save for the reproduction of generally available facts, based on allegations. As always in criminal cases, the judgement is for the court to make under due process of law.

II. OPŠTINA PRIJEDOR - GENERAL DESCRIPTION

A. Geography

41. An opština is an administrative unit in the former Yugoslavia. The neutral translation is a district.

42. Opština Prijedor is located in north-western BiH in an area which is part of Bosanska (i.e. Bosnian) Krajina. It is located in between the town of Sanski Most to the south, the BiH-Croatian border towns of Bosanski Novi (to the west) and Bosanska Dubica (to the north), and the regional "capital" of Banja Luka to the east. Save for the area of Sanski Most, the other neighbouring districts had Serbian majority populations prior to the disintegration of and violence in the former Yugoslavia.

43. More important in the context of the events from 1992 onward, Opština Prijedor as part of north-western BiH is clearly located inside any corridor that Serbs could want to clear between Serbia proper and the Serbian-occupied Croatian Krajina. One obstacle to such a corridor is that when crossing the Drina River (the frontier between Serbia proper and BiH) and moving westward through BiH towards the Croatian Krajina region, the population - before the

violence started in 1992 - was multi-ethnic and the Serbs were not even a majority in many of these areas. Any Serbian demands for territory for a corridor was thus unlikely to gain political support in BiH. In 1993, Serbian military leaders in Banja Luka acknowledged the need for the conquest of a corridor as mentioned. It was a prerequisite for the "bringing in of humanitarian assistance".

44. The district Prijedor has one main town, which is also named Prijedor, two smaller towns called Ljubija and Kozarac, and numerous villages and hamlets. The Sana River flows through the district (which has a shape that resembles an irregular vertical rectangle) from the west towards the centre, and then bending to the south. Prijedor Grad (i.e. town) is located in the valley of the river, where the Sana River bends to the south. There is a large artificial lake for fishfarming to the south-east of Prijedor town. The district is mountainous especially in the northern and western areas, with the Kozara Mountain in the north and parts of the Majdanska Mountain in the south-west. The mountains are forested.

B. Population profile

45. Opština Prijedor, according to the 1991 census, had a total population of 112,470 people of whom 44 per cent were Muslims, 42.5 per cent Serbs, 5.6 per cent Croats, 5.7 per cent "Yugoslavs", and 2.2 per cent others (Ukrainians, Russians, and Italians). "Serb" is considered synonymous to Orthodox, and "Croat" is considered synonymous to Catholic. "Yugoslavs" were people of mixed ethnic/religious parentage, and people who for conscientious and/or political reasons did not want to declare themselves by ethnic/religious groups. Muslims probably counted for the majority of the "Yugoslavs".

46. Many people have stated that it never occurred to them that serious difficulties between the ethnic groups - not to say war - ever could happen in the area. None have said the opposite.

47. In early April 1992, the total population may have been approximately 120,000 people due to an influx of refugees from Opština Bosanski Novi (see Chapter VII.A. infra).

48. Comparing the 1991 census figures with the results of a population count of June 1993 as published by the Serbs, give the following overall picture:

	1991	1993	Reduction	New arrivals
Serbs	47,745	53,637	---	5,892
Muslims	49,454	6,124	43,330	---
Croats	6,300	3,169	3,131	---
Others	8,971	2,621	6,350	---

The total number of killed and deported people as of June 1993 was 52,811 (including limited numbers of refugees and people missing). Since then, the number of non-Serbs in the district has continued to decrease.

49. In general, it is claimed that the population of BiH, heterogeneous as far as religions are concerned, had developed a unique and cohesive regional identity and culture. The people of BiH for centuries coexisted in a pluralistic society. One illustration of this is their proverb, "Sto sela, sto običaja" (i.e. "One hundred villages, one hundred habits"). According to the 1991 census, more than one-fourth of the entire population in BiH had mixed ethnic/religious parentage. To many there were no marked differences

between the ethnic/religious groups, save that Muslims could usually be recognized by their names.

50. Traditionally, both Croats and Serbs have claimed that the Muslims in BiH were actually Croats and Serbs respectively, of the Islamic faith. The Muslims have preferred to call themselves *Bošniaks*, a name with an ethnic rather than religious connotation.

51. Prior to the 1960s, the Muslims were ethnically undeclared in population counts, or they opted for the denomination "Yugoslav". In the 1961 census, they were for the first time allowed to register as "Muslims in the ethnic sense". In the 1971 census, Muslims were included as a distinct and equal nationality in all of the former Yugoslavia. Many people from BiH considered this move by Tito, in his old age, to be a trap. Why not let the people in BiH call themselves Bosnians as they wanted to, regardless of whether they were Muslims, Catholics or Orthodox? This way the people were forced into different groups, which created partially artificial linkage between Bosnian Serbs and Serbs elsewhere and Bosnian Croats and Croats elsewhere, rather than emphasizing the existing ties internally in BiH.

52. In retrospect, many of the refugees and deportees speak about what happened in *Opština* Prijedor and elsewhere in BiH as an effort by those opposed to its pluralistic culture to dismiss the Bosnian soul (*istjerati bosanski duh*).

53. In 1574, Sultan Selim II issued a decree awarding tax privileges to Gypsy miners (*inter alia*, to Gypsies working in an iron ore mine near Banja Luka, possibly the mine - which is said to be very old - in Ljubija in *Opština* Prijedor, see Chapter II.D. *infra*). This is considered as the first recorded specific reference to Gypsies in BiH. The Gypsies had more or less the same rights as their Muslim or Christian brethren respectively. The majority of Gypsies in BiH were Muslim. During World War II, the Gypsies were targeted both by the *Ustaše* and the *Četniks*, and numbers of survivors took refuge in north-western BiH.

54. *Opština* Prijedor is subdivided in the following *naselje* (i.e. towns and villages):

	1948	1953	1961	1971	1981
Ališići	227	204	226	228	251
Babići	909	1,202	1,335	1,290	1,443
Bistrica	1,602	1,669	1,722	1,494	1,519
Biščani	638	734	928	1,319	1,384
Božići	526	480	416	309	278
Brdjani	1,322	1,353	1,408	1,508	1,827
Brezičani	1,287	1,288	1,439	1,541	1,572
Briševo	608	659	695	701	537
Busnovi	1,430	1,445	1,440	1,424	1,339
Cikote	315	318	366	339	295
Crna Dolina	480	477	435	261	262
Čarakovo	1,074	1,205	1,533	1,929	2,263
Čejreci	523	567	647	658	709
Čirkin Polje	375	401	687	999	1,463
Ćela	1,295	1,449	1,684	1,894	2,022
Dera	1,241	1,275	1,336	1,391	1,442
Donja Dragotinja	404	432	460	537	529
Donja Ravska	634	663	684	617	438
Donji Garevci	692	761	756	586	842
Donji Orlovci	499	521	540	646	802

	1948	1953	1961	1971	1981
Donji Volar	577	613	599	572	442
Gaćani	525	528	497	474	388
Gomjenica	657	810	1,077	1,870	2,483
Gornja Dragotinja	1,049	974	912	822	623
Gornja Jutrogošta	645	643	784	618	527
Gornja Puharska	360	409	671	624	643
Gornja Ravska	459	488	428	389	378
Gornji Garevci	481	468	486	468	449
Gornji Jelovac	519	519	615	781	599
Gornji Orlovci	360	357	374	365	430
Gornji Volar	542	512	425	371	391
Gradina	941	1,043	1,085	1,124	1,005
Hambarine	992	1,158	1,548	2,114	2,499
Hrnići	731	833	804	821	767
Jaruge	485	434	369	538	337
Jelićka	948	991	1,023	1,026	990
Jugovci	437	465	528	582	586
Kalajevo	309	581	585	598	272
Kamičani	2,146	2,051	2,033	2,586	3,161
Kevljani	1,036	1,079	1,288	1,536	1,874
Kozarac	1,645	1,860	2,480	2,995	3,527
Kozaruša	1,959	2,107	2,239	2,560	2,994
Krivaja	1,195	1,216	1,276	1,244	1,236
Lamovita	1,669	1,893	2,093	1,913	2,048
Ljeskare	268	333	326	319	646
Ljubija	2,637	3,238	4,218	4,673	4,325
Malo Palančište	288	309	289	227	199
Marićka	1,901	1,955	1,952	1,927	1,916
Marini	590	589	529	457	316
Miljakovci	664	729	734	661	670
Miska Glava	1,101	1,241	1,219	1,173	997
Niševići	858	939	1,132	1,088	1,054
Ništavci	335	371	332	282	293
Omarska	1,816	2,002	2,373	2,695	3,280
Orlovača	246	359	511	797	1,132
Pejići	448	476	472	502	645
Petrov Gaj	813	904	1,002	1,047	1,153
Prijedor town	6,941	8,894	14,295	22,126	29,449
Rakelići	1,028	1,066	1,017	966	792
Rakovčani	769	819	969	1,195	1,368
Raljaš	710	729	699	852	722
Rasavci	1,162	1,265	1,247	1,176	1,066
Rizvanovići	742	851	1,007	1,174	1,433
Saničani	678	708	657	585	621
Šurkovac	979	995	936	878	686
Tisova	461	476	501	375	315
Tomašica	1,175	1,240	1,256	1,311	1,111
Trnopolje	1,689	1,854	1,965	2,564	2,847
Veliko Palančište	610	643	635	598	539
Zecovi	738	796	828	874	897
Žune	532	575	618	580	530

(Some of the figures quoted vary slightly in the official statistics.)

C. Some remarks concerning the history

55. Opština Prijedor had a remarkably high percentage of Partisans (from all the different ethnic groups) during World War II. The district was the first to be a liberated Partisan area in 1942. It was recaptured by German, Ustaša, and to a lesser extent Četnik forces, with many people killed not the least - but not only - Serbs. Both the World War II heros Esad Midžić (Muslim) and Mladen Stojanović (Serb) were locals. They even had a song about the Četniks killing the latter. Kozarac has a war monument which reportedly surpasses any other war monument in the former Yugoslavia.

56. The district at large was anti-German during World War II.

57. It is said that the word Četnik is a traditional term for the much-heroicized bandit fighters of earlier Serbian history. There were Serbian veterans from World War I who called themselves Četniks. Many other Serbian groupings also made claim to the Četnik name during World War II. The main Četnik movement during World War II was that formed by the royalist, Yugoslav Army colonel, General Draža Mihailović. With reference to the latter group of Četniks, Noel Malcolm writes:

> "Among the leading Četniks there were several rabid Serb nationalists whose desire it was to absorb not only Bosnia but Dalmatia, Montenegro, parts of Croatia and Slavonia, and even northern Albania, into the territory of Serbia. Such aims were nurtured by two dominant intellectuals in the Četnik movement: the Serbian lawyer and politician Dragiša Vasić and the Bosnian Serb lawyer (from Banja Luka) Stevan Moljević. In June 1941 the latter drew up a memorandum entitled 'Homogeneous Serbia', in which he demanded the inclusion in Serbia of the territories mentioned above, and explained that the 'fundamental duty' of all Serbs was 'to create and organize a homogeneous Serbia, which must include all the ethnic territory inhabited by Serbs'. In a letter to Vasić in February 1942 Moljević wrote that Serbian land should be extended all the way to Dalmatia, and that there should then follow 'the cleansing (čišćenje) of the land of all the non-Serb elements. The thing to do would be to send the offenders on their way: Croats to Croatia, and Muslims to Turkey or Albania.' With people like this influencing the policy of the Četniks (Moljević became political director of the movement in early 1943), there was clearly a theoretical basis for a virulently anti-Muslim policy.
>
> But on the other hand there is no definite evidence that Draža Mihailović himself ever called for ethnic cleansing. The one document which has frequently been cited as evidence of this, a set of instructions addressed to regional commanders in December 1941, is probably a forgery - though it must be pointed out that it was forged not by enemies wanting to discredit Mihailović but by the commanders themselves, who hoped it would be taken for a genuine Četnik document. Mihailović was certainly capable of using the rhetoric of Serbian nationalism. In one proclamation attributed to him there is a declaration: 'I am from Serbian Šumadija [district of central Serbia], from Serbian land and of Serbian blood. As such, I shall fight for the most sublime ideas which a Serb can have: for the liberation and unification for ever of all Serbian lands . . . Wherever Serbian graves are found, there is Serbian land.'"[4]

58. The name Četnik awakens different emotions and allows for different interpretations. For some people, it is a genuinely patriotic and decent

concept also in terms of fundamental respect for human beings as such. For others, and possibly most people due to the main events during World War II, it is as ominous and horrifying as Fascist and Nazi - associated with destruction and death for any and all envisaged enemies. The Četnik concept reinvigorated and incarnated by the Serbs in the 1990s in BiH has gathered followers among Serbs of different interpretational creeds, but in practical terms the re-awakened Četniks have taken up only the most gruesome of the Četnik traditions - linking the name once again to barbarious behaviour. Among non-Serbs in BiH, the word Četnik is used in the vernacular as a generic term for evil.

D. Rudnika Ljubija

59. The modern iron ore mine in Opština Prijedor was started in 1916 by the Austrians. Up to World War II, the leaders were Western-oriented, after the war the orientation shifted towards Belgrade and the USSR. Up to World War II, the production was some 300-400 tons a year. In the late 1980s, the production was three million tons a year: Rudnika (the mine) Ljubija was the largest and most important mine in the former Yugoslavia and one of the largest in Europe, and in terms of the quality of the metals produced, the mine was considered second only to the one in Kiruna, Sweden.

60. More than 85 per cent of the directors of the mine were Serbs, the rest were Muslims. Rudnika Ljubija was divided into three different main production areas: Ljubija, Tomašica and Omarska. The latter was the larger where the largest investments had been made. The mining company was in charge of all the three areas. The distance between the most distant part of the mines in Ljubija and Omarska was approximately 30 kilometres. In the late 1980s, the mine was fully modernized. All the republics in the former Yugoslavia had invested in the latest upgrading of Omarska. The mining company, Rudnika Ljubija, had 5,000 employees. Most of the Croatian and Muslim workers in the mine in the early 1990s have now been killed or deported.

E. Other economic activities

61. In addition to Rudnika Ljubija, there were smaller plants and production units in Opština Prijedor. The second largest enterprise was Celpak producing cellulose and paper. The paper mill was located on the outskirts of Prijedor town, to the south. It had 3,000 employees. There were also many small saw mills spread around in the forested parts of the district, including in the Kozarac area.

62. Several small factories were producing their goods (such as biscuits, soft-drinks, etc.) mainly for local consumption. The agricultural production was good, and animal husbandry played a significant economic role. Čitopromet consisted of a flour mill and a bakery employing some 800 people.

63. Located in between and linking the nearby towns of Banja Luka, Sanski Most, Bosanski Novi, and Bosanska Dubica, Opština Prijedor offered employment in the transport section and related services. A railway crosses through Opština Prijedor from east to west. The Kozarac area with the Kozara Mountain and the World War II memorial attracted tourists.

F. Political and administrative structure

64. It was first in the early 1990s that nationalist political parties had been established. These parties had not existed one year earlier. There was initially a reasonable relationship between the Muslim party, called the Party of Democratic Action (Stranka Demokratske Akcije, the SDA), and the main Serbian party, named the SDS, in Prijedor. This, however, changed especially after Vojislav Šešelj came to several SDS meetings and expressed surprise that the Serbs could live in such harmony with the non-Serbs.

65. In the local elections in Prijedor in 1990, the SDA won. Following the local elections, the Prijedor Assembly of a total of 90 seats had 30 representatives from the SDA, 28 representatives from the SDS, two representatives from the Croatian Democratic Union (Hrvatska Demokratska Zajednica, the HDZ), and 30 representatives from the other, mainly leftist parties, including the Political Action Party (Stranka Političke Akcije, the SPA), where the Serbs counted for the majority.

66. Although the Serbs made up only 42.5 per cent of the population in Opština Prijedor, they traditionally held almost all key positions in the Opština. The legacy from the Communist era - part and parcel of which had been the distribution of all leading positions to trusted party members - was not altered considerably after the first free elections. The Serbs said that Prijedor had been Serbian, and would remain Serbian. Thus, the Serbs tended to block proposals made by Muslims or Croats in the Assembly in Prijedor. The Serbs more or less tried to obstruct the work of the Assembly as such. To avoid conflict, the others more often than not let the Serbs have it their way. Thus, the Muslims also refrained from asking to take over a number of leading positions to which the election victory actually entitled them.

67. The Muslims were 44 per cent of the population, but held only a limited number of leading positions. It is claimed that from a total of 200 plants, only three were Muslim and two Catholic (i.e. Croatian). The Serbs were not underprivileged. Conversely, the Serbs held almost 90 per cent of the key positions.

68. In Prijedor, Marko Pavić was alfa et omega in the SDS; he had previously been mayor of the town. He studied law at the University of Zagreb. He worked for the police and the "Federal Security Service" (the Secret Service of the Socialist Federal Republic of Yugoslavia) which had close ties to the JNA (Jugoslovenska Narodna Armija, i.e. the Yugoslav People's Army). Marko Pavić established the Reformist Forces Party (a reformed Communist party) in Prijedor before he joined the SDS. At the time when the Serbs took power in Opština Prijedor, he was director of the post, telephone and telegraph in the district. Allegedly, he played a pivotal role in the power change. Reportedly, Serbian de facto control of the post was used to facilitate financial transactions needed in this period. Apparently, the post office under the leadership of Marko Pavić was used, among other things, to channel and launder money during the advent of the Serbian takeover, and in the time following the power change.

69. Key Serbian people in commercial and service activities in Opština Prijedor were:

Dir. Ostoja Marjanović, Rudnika Ljubija (the mining company),
Dir. Dragan Kaurin, Celpak (paper mill, 3,000 employees),
Dir. Vaso Cvijić, Žitopromet (mill and bakery, 800 employees),
Dir. Živko Vujičić, Velepromet (the cooperation),
Dir. Slobodan Gajić, Trgoprodaja (shops),
Dir. Risto Banović, Bolnica (hospital),

Dir. Aleksandar Bereta, Dom Zdravlja (outpatient clinic),
Dir. Marko Pavić, PTT (post, telephone and telegraph),
Dir. Milenko Vukić, EL (the electricity supplies),
Dir. Draško Dodoš, Agrounija (the agricultural company), and
Dir. Milan Nišević, Priv. Banka (bank).

70. Radio Prijedor and the newspaper Kozarski Vjesnik were directed by three Serbs (whose names are not disclosed for confidentiality or prosecutorial reasons). Twice a week they were driven in a Mercedes with drivers in JNA uniforms with the Yugoslav flag, without the Red Star, on their hats and jackets, to the main front in Croatia at Pakrac.

III. POLITICAL AND MILITARY BACKGROUND TO THE CATASTROPHE

71. Telford Taylor stated the following prior to the Nuremberg trials:

> "It is important that the trial not become an inquiry into the causes of war. It cannot be established that Hitlerism was the sole cause of the war, and there should be no effort to do this. Nor, I believe, should there be any effort or time spent on appointing out responsibility for causing the war among the many nations and individuals concerned. The question of causation is important and will be discussed for many years, but it has no place in this trial, which must rather stick rigorously to the doctrine that planning and launching an aggressive war is illegal, whatever may be the factors that caused the defendants to plan and to launch. Contributing causes may be pleaded by the defendant before the bar of history, but not before the tribunal."[5]

72. The question of responsibility for causing the war/wars in the former Yugoslavia is not addressed by the United Nations Commission of Experts. It may, however, be useful for the general understanding of the context of the events in Opština Prijedor to include a brief presentation of some relevant information concerning the political and military background to the catastrophe.

A. The Socialist Federal Republic of Yugoslavia

73. According to the Constitution of the Socialist Federal Republic of Yugoslavia (SFRY), dated 1974, Basic Principle I:

> "The nations of Yugoslavia, proceeding from the right of every nation to self-determination, including the right to secession [emphasis added] . . . have, . . . united in a federal republic of free and equal nations and nationalities and founded a socialist federal community . . .
>
> . . .
>
> In order to carry these principles into effect the Socialist Federal Republic of Yugoslavia shall strive: . . .
>
> for the right of every nation freely to determine and build up its own social and political system by ways and means of its own free choice;
>
> for the right of nations to self-determination and national independence, and for their right to wage a liberation war to attain these aims;"

74. Article 1 of the Constitution continues:

> "The Socialist Federal Republic of Yugoslavia is a federal state

> having the form of a state community of voluntarily united nations and their Socialist Republics, and of the Socialist Autonomous Provinces of Vojvodina and Kosovo, which are constituent parts of the Socialist Republic of Serbia, . . ."

75. In March 1989, the Serbian Assembly passed constitutional amendments which abolished the political autonomy of Vojvodina and Kosovo.

76. On 9 January 1991, the Presidency of the SFRY decided to arm paramilitary groups (primarily to counterbalance the Croatian national defence). Only about one month later, President Slobodan Milošević reportedly delivered a speech on television stating that, inter alia:

> "Yugoslavia has entered into the final phase of its agony. The Presidency of the Socialist Federal Republic of Yugoslavia has not functioned for a long time, and the illusion of the functioning of the Presidency of Yugoslavia and its powers, which in reality do not exist, has since last night finally expired.
> . . .
> the Republic of Serbia will no longer recognize a single decision of the Presidency under the existing circumstances because it would be illegal."[6]

B. Overall political changes

77. The Muslims and Croats wanted cooperation between and coexistence among the different ethnic groups in BiH. A number of Serbs dreamt of establishing Greater Serbia - a 600-year old dream. The once huge Serbian empire broke up soon after the death in 1355 of its creator, Stephen Dušan - King of Serbia. Nationalism in Serbia reached a new height in 1989, 600 years after the battle at Kosovo Polje (i.e. the field of Kosovo). President Milošević went there to commemorate the 600th anniversary and then told the people what he wanted to achieve. Large numbers of Četniks, possibly from different schools of thought, participated in the commemoration, sporting their Četnik emblems and uniforms. Later, the general policy became increasingly nationalistic. Various kinds of Četnik meetings were held. Suddenly, many people started whispering. The SDS made public statements to the effect that they wanted peace, but hardly ever tolerated a meeting in the parliament in BiH to be properly concluded.

78. The Orthodox church celebrates Christmas on 6 January. Even during that religious feast, Serbs went around shouting and singing an old Četnik song from World War II, "Od Topole pa do Ravna Gora svud su straže Đenerala Draža" ("All the way from Topolje to Ravna Gora General Draža has his guards"). This was considered a highly ominous sign by the non-Serbs. Previously, such Četnik songs had been banned in public.

C. The war in Croatia

79. When the war in Croatia started in August 1991, it was followed by general tension between the Serbs on the one side and Croats and Muslims on the other. Life became more difficult also in Prijedor. The Muslims and Croats did not want to join the Serbs in their fighting in Croatia against the Croats.

80. As the war in Croatia ended, the Serb-controlled JNA withdrew in part to or through BiH.

D. BiH

81. In elections held in BiH, on 18 November and 2 December 1990, the parties received votes reflecting the ethnic composition of the population.

82. The Republic's Constitution stipulated that decisions of vital importance to BiH needed consensus of the Muslims, Serbs, and Croats in the Republic.

83. In April 1991, Serbian politicians in Banja Luka initiated the proclamation of the Bosanska Krajina Srpska Autonomna Oblast (SAO, i.e. Serbian autonomous region). Opština Banja Luka, Glamoč, Drvar, Bosanski Petrovac, Bosanski Novi, Bosanska Dubica, Bosanska Gradiška, Srbac, Prnjavor and Čelinac all wanted to join this SAO. Opštine Prijedor and Sanski Most did not join. The decision to enter the SAO was made by the respective Opština assemblies after informal discussions.

84. On 14 November 1991, the Constitutional Court in BiH declared the so-called SAOs unconstitutional.

85. On 9 January 1992, the "Assembly of the Serbian People in Bosnia and Hercegovina" adopted a "Declaration on the Proclamation of the Republic of the Serbian People of Bosnia and Hercegovina". The "Assembly of the Serbian People in Bosnia and Hercegovina" described itself as "a legitimate, freely and democratically elected representative and protector of the Serbian people", and stated that by adopting the Declaration, it was "implementing its [the Serbian people's] will expressed in a plebiscite [see Chapter III.E. infra], and the decision based on this plebiscite to form the "Serbian Republic of Bosnia and Hercegovina", or as stated in the Declaration Article I, "on the basis of the plebiscite held on 9 and 10 November 1991, at which the Serbian people decided to remain in the joint State of Yugoslavia". The members of the Assembly were the Serbian politicians who had been elected to the Parliament in BiH. The Declaration was to enter into force on the day of adoption.

86. According to Article II of the Declaration, the new Republic would remain within the Yugoslav Federal State as one of its units. Pending the promulgation of its own legislation, the new Republic was to apply federal regulations in its territory, as well as the regulations of the Socialist Republic of BiH as far as the Assembly did not deem the latter regulations contrary to the federal Constitution (see Article VIII).

87. The new Republic of the Serbian People of Bosnia and Hercegovina was established in the territories "of the Serbian autonomous areas in the region and of other Serbian ethnic entities in Bosnia and Hercegovina, including the regions in which the Serbian people remained in minority due to the genocide conducted against it in World War Two" (see Article I).

88. The Serbian point of view is that it was the Muslim and Croatian majority in BiH which acted in an illegal and illegitimate manner by requesting international recognition of BiH as an independent State. In other words, the Serbs claimed that by remaining within the Yugoslav Federation, they did not make an unlawful disassociation from the rest of BiH. As far as the Serbs were concerned, they were still a part of the Yugoslav Federation even after BiH gained international recognition as an independent State.

89. On 15 January 1992, the Serbs in BiH withdrew the proclamation of an independent republic and wanted thence to negotiate for a cantonisation based on ethnic division.

90. On 13 February 1992, a dialogue was started between the three parties - the SDS (the Serbs), the SDA (the Muslims) and the HDZ (the Croats) - in BiH concerning the future of the Republic.

91. On 28 February 1992, the "Assembly of the Serbian People in Bosnia and Hercegovina" adopted a "Decision on the Proclamation of the Constitution of the Serbian Republic of Bosnia and Hercegovina" (as proclaimed in January the same year under the name the "Republic of the Serbian People in Bosnia and Hercegovina"). By a later amendment to the Constitution, Amendment VI dated 12 August 1992, the name of the Republic was once again altered from the "Serbian Republic of Bosnia and Hercegovina" (SRBiH) to the "Republic of Srpska".

92. On 22 February 1992, a meeting was held in Lisbon between the Muslims, Serbs, and Croats concerning the future of BiH. An agreement was reached that the Republic should be upheld within its existing borders with a Swiss-style cantonisation solution for dividing up the Republic on the basis of ethnic groups.

93. According to an article by Slobodan Kljakic printed by the Ministry of Information of the Republic of Serbia (i.e. Serbia proper):

> "[T]he crucial contribution to the outbreak and expansion of the war was the fact that it was precisely on April 6 last year [1992] that the European Community recognized Bosnia and Herzegovina as an independent and sovereign state.
>
> . . .
>
> . . . what preceded the April 6 events and the recognition of Bosnia and Herzegovina as an independent and sovereign state.
>
> What is involved were negotiations concerning the new constitutional and political set up of Bosnia and Herzegovina, conducted under the auspices of the European Community by Portuguese diplomats."[7]

94. On 7 April 1992, an Assembly of the Serbian People in Bosnia and Hercegovina declared the independence of the SRBiH.

95. On 15 April 1992, the Presidency of the SRBiH proclaimed the immediate danger of war and gave an order of mobilization.

96. On 27 May 1992, deputies from the parliaments of the Republics of Serbia and Montenegro proclaimed a new Yugoslavia. The new country was named the Federal Republic of Yugoslavia (FRY); its flag would continue to be the horizontal blue, white and red bands, but without the red star.

97. On 30 April 1992, the Republic of BiH was accepted - with the consent of Belgrade - as a full member of the Conference on Security and Cooperation in Europe (CSCE).

E. The Serbian plebiscite

98. The basic version of the Serbian coat of arms is a double-headed eagle with a shield and four crescent-shaped flints, two pointing to the east and two to the west. There are two explanations as to why the Byzantine double-headed eagle has its two heads. One interpretation is that the two heads symbolize two powers; the other is that one head looks to the east and the other head looks to the west. Each crescent-shaped flint looks much like a C. Today the most powerful example of Serbian ichnography is said to be the symmetrical cross adorned with four Cs (the Cyrillic letter S), the two left-

hand ones being printed as mirror images of the right-hand ones. It is referred to as an acronym for the phrase "Samo Sloga Srbina Spašava" (i.e. "Only Unity Can Save the Serbs"). The Cs may, however, also be an acronym for the phrase "Saint Sava is the patron saint of the Serbs".

99. On 9 and 10 November 1991, the "Assembly of the Serbian People in Bosnia and Hercegovina" of which the members of the the SDS comprised the majority, organized a plebiscite in BiH which was considered unconstitutional by the Croatian and Muslim members of the government in BiH. The question posed read:

> "Do you agree with the decision of 24 October 1991 by the Parliament of the Serbian People in Bosnia and Hercegovina for the Serbian people to remain in a common State of Yugoslavia with Serbia, Montenegro, SAO Krajina, SAO Slavonia, Baranja and Western Srem and all others wishing the same?"

100. More than 98 per cent of the participants answered yes. The number of people who went to the polls corresponded with about 85 per cent of the approximately 800,000 Serbs who were eligible to vote. In the plebiscite, the Serbs had blue ballot papers, while the non-Serbs had yellow. According to the Serbs, the different colours were to distinguish between the different ethnic groups as the non-Serbs were given a ballot paper where the question was slightly different from the question to the Serbs, to reflect that these voters were non-Serbs. The non-Serbs perceived the difference as an example of discrimination against them, and even more so as the names of everyone voting were marked in the census.

101. Due to arguably different standing under international law, the Serbs decided to use a plebiscite form in contradistinction to a referendum.

102. When the Serbs were preparing their plebiscite (in November 1991), they went from house to house and counted the electorate. The non-Serbs charge that the Serbs included also those under-age down to children, Serbs from Serbia, and Serbs living abroad. (Among those active in the process were allegedly Dušan, alias Dule, Tadić from Kozarac - see Chapter VII.B. infra - and at least one of his immediate family members.) It was allegedly a strong Serbian pressure for all Serbs to vote.

F. The referendum in BiH

103. The European Community (EC) required a referendum in BiH as a pre-condition for recognition of BiH as an independent State. In the referendum, the people would be asked if they were in favour of a unified and sovereign BiH.

104. On 29 February and 1 March 1992, a referendum was held in BiH concerning the independence of the Republic. Participating were 63.4 per cent of the electorate, and of those more than 99 per cent voted in favour of independence. The election committee was the same as for the 1990 general elections.

105. Radovan Karadžić ordered all Serbs (approximately 32 per cent of the population in BiH) to boycott the referendum. As Serbs allegedly were threatened by fellow Serbs that they might even lose their jobs if they participated in the referendum; some, it is said, avoided the problem by arranging sick leaves. Most Serbs, thus, did not participate in the referendum, and it was commented on by their own people if they did. A member of the election committee in Opština Prijedor later commented that she had a

feeling that her Serbian colleagues knew already what was going to happen.

106. Radovan Karadžić later used the lack of Serbian participation in the referendum to dismiss it as unconstitutional although there was an overwhelming independence vote by the Croats and the Muslims (and other smaller groups). In this context, it ought to be remembered that the Serbs unilaterally had changed the status of the two autonomous provinces of Kosovo and Vojvodina respectively bringing them directly under Serbian control without paying adequate attention to the will of the people in those provinces and the formal procedures for such changes as enacted in the Constitution of the SFRY. This happened way before any of the republics opted for independence.

107. After the referendum, the Muslims and Croats in BiH favoured the withdrawal of the JNA, whereas the Serbs were against it.

108. In March 1992, the legal BiH authorities were still in power also de facto. The chairman of the election committee in _Opština_ Prijedor for the legal referendum in BiH was later killed in _Logor_ (i.e. the camp) Omarska (see Chapter VIII.A. _infra_). His name is not disclosed for confidentiality or prosecutorial reasons. His name was called out three times in _Logor_ Omarska. The first time he was beaten and maltreated so that his body had turned black when he was returned to the room where he was detained. Returning the second time he could hardly move at all. The third time his name was called out, he did not return. All the other members of the election committee were also detained in _Logor_ Omarska. Their names are not disclosed for confidentiality or prosecutorial reasons. One, a man, was half blind, but he was a judge held in high esteem and chairman of the court. He was also killed in _Logor_ Omarska. The three others are women who survived the horrors of _Logor_ Omarska.

G. The general situation concerning arms in Opština Prijedor

109. From the early 1980s until the disintegration of the former Yugoslavia started, there had been a limited military presence in _Opština_ Prijedor.

110. There were primarily a few soldiers guarding a small air field, called Urije, where there was a military cache. The Urije aerodrome was used for sports planes and located close to Prijedor town. The main military barracks were also located in the Urije area, near the aerodrome. In addition to a partisan brigade, the JNA had a motorized brigade in Prijedor. The JNA was officially considered as a Yugoslav entity, but in reality it was fully Serb-controlled, that is a full-fledged Serbian army.

111. The TO was an integrated part of the SFRY military system. The TOs were locally recruited to serve in their home areas. They received some basic military instruction and served in the TO when called upon. Save for a state of emergency, they retained their civil functions when enrolled in the TO.

112. Only four per cent of the Muslims in Prijedor had been licensed to have weapons. Many Muslims and Croats had had their applications for a license to carry arms turned down without any reason given. This was in contradistinction to Serbs, who normally would be granted permission to have weapons if they asked.

IV. PRELUDES TO THE CATASTROPHE

113. As early as 1991, the Serbs organized an alternative and pure Serbian administration in Opština Prijedor, or rather in what they called the Srpske (i.e. the Serbian) Opštine Prijedor. People in Opština Prijedor were aware of this, but they did not take it seriously. The Serbian Assembly first met in a community building close to Urije, and later the meetings were moved to a building in Čirkin Polje. The members of the Serbian Assembly in Prijedor were under guidance from a central administration in Banja Luka. The Serbian Mayor was Dr. Milomir Stakić from the SDS who functioned as Deputy Mayor within the elected authorities of Opština Prijedor

114. Possibly in February 1992, so-called "Crisis Committees" (Krizni Štab) were established by the Serbs. There was a central "Crisis Committee" in Prijedor town, and other additional committees in different parts of the town, and in other towns and villages. In the beginning, the headquarters of the central "Crisis Committee" was in Urije, but later it was moved to Čirkin Polje. There are indications that in February 1992, the most important members of the central "Crisis Committee" were:

(a) Živko Knežević, retired police commander;
(b) Boško Petrović, secretary of the "Union of Communists" (the old Communist party) in Prijedor;
(c) Čadjo Milutin, retired policeman;
(d) Slobodan Kuruzović, teacher in a primary school;
(e) Vaso Škondrić, retired policeman;
(f) Milan Dragojević, butcher and the president of the SDS for Urije;
(g) Ranko Ćurčija, driving instructor and local president of the Serbian Radical Party (the party of Vojislav Šešelj, the self-proclaimed leader of the Četniks in Serbia);
(h) Savan Runjo, teacher of "people's defence"; and
(i) Miodrag Grubliješić, owner of a private transport company.

The "Crisis Committees" were, at least in some areas, organized by the TO.

A. Moving the artillery and military personnel into place

115. Probably in the summer of 1991, a heavy armour brigade (with tanks) - the Pančevo Brigade (or parts of this brigade) from Serbia - came to Prijedor where it was well-received by the Serbs. The pretext for its arrival was the war in Croatia, but the Pančevo Brigade did not primarily become involved in the that war. It established itself at the aerodrome Urije. In general, the JNA was still held in high esteem by the people at large. During the war in Croatia, numerous tanks from Banja Luka passed through Prijedor on their way to Kostajnica, Petrinja and Karlovac. Some units were allocated to Prijedor.

116. In 1992, an artillery unit of the JNA, which had participated in the war in Croatia, took up a strategic position in Benkovac on the Kozara Mountain. The Serbs also brought artillery into other areas which would be strategic positions if one would consider attacking Kozarac (see Chapter VII.B. infra).

117. Canons and a big number of tracked vehicles were brought to Prijedor by railway in the first months of 1992.

118. Some time before the Serbs took power, some 200 Serbian soldiers came from outside to stay in Hotel Prijedor in Prijedor town. They were a special forces unit, more disciplined than other soldiers. They were well-behaved and did not associate with others. By mid-May 1992, it is claimed that it was Arkanovci (Arkan's paramilitary men, see Chapter V.C. infra) who stayed in

Hotel Prijedor.

119. The discipline of the soldiers staying in Hotel Prijedor stood in stark contrast to the general impression of other soldiers in the area at the time who were often drunk and ill-behaved, especially the soldiers returning from the war in Croatia. It was common that soldiers on their way to the front at Lipik/Pakrac in Croatia were troublesome and even fired their weapons randomly. During the war in Croatia, Serbian soldiers also used the Prijedor area for rest and recuperation, much to the dislike of the local inhabitants.

120. Due initially to the war in Croatia, there were many military men in Opština Prijedor and especially in the regional centre in Banja Luka, but also in the other neighbouring districts. This augmented military presence proved useful for the Serbs when they took power on 30 April 1992.

B. Disrupted communications with Sarajevo

121. In mid-April 1992, the Serbs arranged for roadblocks to be erected on all main roads to and from Opština Prijedor (see Chapter IV.G. infra). It started to become more difficult to travel even earlier, due in part to the war in Croatia and the related massive movements of troops and military equipment.

122. Belgrade Radio, on 14 April 1992, broadcasted that within troubled multi-ethnic BiH, "movement is strangled by Serbian roadblocks".

123. On 28 April 1992, there was a regular programme on Radio Prijedor with guests in the studio. The guests were Simo Mišković (from the SDS), Mirza Mujadžić (from the SDA, see Chapters VI.A. and VII.D. infra) and Draško Velaula (from the leftist party, the SPA). The question to be debated was the influence of the general situation in BiH on life in Prijedor. By then Opština Prijedor had started to experience a virtual blockade of communication with Sarajevo. The programme was prolonged by one hour. It was closed by an assurance given by Simo Mišković and Mirza Mujadžić that people could sleep well - "This is Opština Prijedor with its Kozara brotherhood, we shall continue to live peacefully as we always have!"

124. There never were United Nations Military Observers (UNMOs) stationed in Opština Prijedor. On 28 April 1992, the UNMOs in nearby Banja Luka were withdrawn due to the dangers inherent in their continued presence.

C. Serbian control over the television transmitter on the Kozara Mountain

125. The television relay station is situated near Lisina, where the peak of the mountain is 978 metres above sea level, and called Mali Vis.

126. The Serbs took control of the relay station/television transmitter on the Kozara Mountain possibly some time between 21 and 28 March 1992 (possibly earlier, see the next paragraph infra). At this time, the studio in Banja Luka was also under the firm control of Serbs. The transmitter on the Kozara Mountain was taken over by paramilitary Četnik units from Lamovita, Bistrica, and Omarska, allegedly supported by special Units of the JNA in Banja Luka. They disarmed the local guards and forced the personnel to change the programmes together with some Serbian technicians. The paramilitary units mentioned were not the so-called "Wolves" from Prnjavor.

127. The "Wolves" from Prnjavor or rather Vukovi sa Vučjaka (i.e. the "Wolves

from Vućjaka") took their name from the Vućjaka Mountain near Prnjavor. Apparently, this group was also at one time involved in taking control of th television transmitter on the Kozara Mountain - maybe at an earlier time. These paramilitary fighters were dressed in camouflage uniforms having a ba with a wolf on their upper arms. Following subsequent protests the JNA sai that it was unable to control the "Wolves", although close by the televisio transmitter there was a JNA unit stationed. The police in Prijedor warned a group from a local peace movement not to approach the "Wolves" or the television transmitter as "something unfortunate might happen".

128. As a consequence, the people of Opština Prijedor could no longer recei any television programmes from Sarajevo (only from Belgrade and Pale, and later also from Banja Luka). As with all other controlled transmitters, the one on the Kozara Mountain was now operational only for transmissions from Serbian-controlled television stations - neither Sarajevo nor Zagreb. The local Serbian military said that they would take action to retake control of the transmitter, but no efforts were made.

129. Like in the preparation for other wars, the programmes transmitted became more and more militant. Much propaganda was also broadcast. It was repeatedly broadcast that one ought to be terribly afraid of Muslims, Albanians, Croats and Slovenians - only Serbs and Montenegrins were not dangerous. The Serbs and the Montenegrins were the defenders of Yugoslavia. Non-Serbs will insist that the latter was not true, most people favoured Yugoslavia as such - but leading Serbs were striving for Greater Serbia.

130. When the Serbs took over control of the transmitter on the Kozara Mountain, they already had full control over the main relay station for the whole of BiH on the Vlašić Mountain.

D. The propaganda

131. As writes Noel Malcolm:

> "Having travelled widely inside Bosnia over fifteen years, and having stayed in Muslim, Croat and Serb villages, I cannot believe the claim that the country was forever seething with ethnic hatred. But having watched Radio Television Belgrade in the period 1991-2, I can understand why simple Bosnian Serbs came to believe that they were under threat, from Ustaša hordes, fundamentalist jihads or whatever. As the independent Belgrade journalist Miloš Vasić put it to an American audience, it was as if all TV stations in the USA had been taken over by the Ku Klux Klan: 'You must imagine a United States with every little TV station everywhere taking exactly the same editorial line - a line dictated by David Duke. You too would have war in five years.'"[8]

132. The Muslims who made up the majority of the political leaders were blamed for everything that came with economic crisis, especially unemploymen and inflation. In addition, they were branded as extremists, meaning Musli fundamentalists or rather violent fanatics. The Croats were discredited as Ustaše wanting revenge over Serbs for what had happened in the war in Croati with Serbs taking power in Knin and Vukovar and other areas. Non-Serbs were portrayed as savages to be feared at the same time as they were used as scapegoats.

E. Secret Serbian police activities

133. Anxiety was building up in the police force for some months prior to the change of power on 30 April 1992. The Serbs were talking about dividing the police stations. The Serbs did not come regularly to work as they had to attend meetings most of the time. There was a lot of secrecy.

134. In this period, the Serbs were actually secretly setting up nine new police stations. At the time, there were only four police stations in Opština Prijedor: in Prijedor town, in the towns of Ljubija and Kozarac, and in Omarska village.

135. Austrian Television reported on 1 April 1992 that Serbs left the police force in BiH to form their own purely Serbian police force. This paralleled the actions of Serbian police in Croatia at the outset of the crisis in that Republic.

136. According to an interview which journalist Siniša Vujaković had with Simo Drljača (chief of the Serbian secret police in Prijedor and member of the Krizni Štab Srpske Opštine Prijedor, see Chapter V.B. infra) printed in the Serbian-controlled Kozarski Vjesnik:

> "The man [Simo Drljača], which the Serbian Democratic Party [SDS] of the Opština Prijedor put in charge of forming the Serbian police, after half a year of illegal work had done his job that well that in 13 police stations 1,775 well armed persons were waiting to undertake any difficult duty in the time which was coming. In the night between 29 and 30 April 1992, he directed the take-over of power [by the Serbs], which was successfully achieved in only 30 minutes, without any shots fired. The Assembly of the Srpske Opštine Prijedor, at the end of March last year [1992], appointed him chief of the public security station [i.e. in charge of the secret police]."[9]

F. Serbs rearming other Serbs

137. Misha Glenny reports:

> ". . . RAM, a plan whose name was never uncovered beyond its acronym. It has been alleged that the full extent of this programme was Milošević's concept of a core Yugoslavia dominated by Serbia. . . . It also, naturally envisaged Bosnia-Hercegovina as an integral part of the core Yugoslavia. There is no proof as to whether such a comprehensive plan existed . . .
>
> That within the project of RAM there was a place for Belgrad's strategy for Bosnia-Hercegovina, however, is beyond doubt thanks to testimony provided by former Prime Minister Ante Marković, . . . Organized from the Serbian capital by the SPS [i.e. the Socialist Party of Serbia] MP Mihalj Kertes, . . . , at the heart of this programme lay the distribution of arms throughout the Serb communities of BiH. . . . Throughout 1990, Kertes ordered the dispatches of hundreds of thousands of pieces of weaponry mainly to the two militant Serb regions of BiH, Bosanska Krajina in the north-west and . . .
>
> Throughout 1991, Kertes's secret convoys of lorries bulging with guns and munitions ploughed their furrow with a diligence not usually associated with Serbs. Eastern Hercegovina and Bosanska Krajina were especially privileged recipients of this booty as they were both to play a critical logistical role during the war

> with Croatia. . . . In August, when his humiliation was reaching its peak, the federal Prime Minister, Ante Marković, revealed the existence of RAM and leaked a tape conversation between President Milošević and General Nikola Uzelac, who ran the Banja Luka corps of the JNA with his own particular touch of evil. During this conversation, Milošević ordered Uzelac to release weapons to the leader of the SDS, Radovan Karadžić."[10]

138. The Serbian army, in close cooperation with the SDS, distributed weapons to the Serbian population in Prijedor town and other towns and villages in the Opština. Often these deliveries took place openly in broad daylight. The distribution was mainly organized by trucks and seemed aimed at arming every Serbian male between the ages of 15 and 70. Many Serbian women and old men were provided with arms. Serbian policemen were also moving around especially at night handing out weapons to fellow Serbs.

139. Weapons and military equipment were even flown in by military helicopters to Serbian military officers. It is said that by the end, almost no Serbian house was without an automatic gun. Many Serbs may also have received grenades.

140. The pretext for the arms deliveries and the rearmament was that this was necessary for the defence against "the enemies of the people" - the Muslim extremists and the Ustaše.

141. The Serbs were provided with new automatic weaponry. Serbs who had been armed in this manner started to establish checkpoints in the villages.

142. Ample distributions of ammunition were also made, and even larger quantities of ammunition were stored locally. Approximately five kilometres from Malo Palančište on the road to Knežica, there is an ammunition cache. A Serbian teacher (now director of the school), whose name is not disclosed for confidentiality or prosecutorial reasons, who used to sign out ammunition for the heavy artillery there, boasted that there was enough heavy ammunition stored that it would suffice for one year if 1,000 rounds were fired each day.

143. In this period, some Serbs went around firing shots at random. Other people often tried to stop them. Sometimes these Serbs inflicted wounds on themselves, but once a woman and two children were injured. Some of the local Serbs returning from the war in Croatia were quite excited and very easily provoked - there were more and more Serbs in this category.

144. Many non-Serbs, who saw truck-loads of weapons being distributed in their home areas to Serbs, were so frightened that they did not dare to believe what they saw. In general, Muslims and Croats became scared. At the same time, Serbs had their informants among the Muslims and Croats who spread the word that Serbs had weapons for sale. One Serb (whose name is not disclosed for confidentiality or prosecutorial reasons), later ill-reputed and then belonging to a so-called intervention unit (see Chapters IX.C., XII.C. and XII.D. infra), and other Serbs, who later came to play important destructive roles when the Serbs had taken power, were involved in selling rather faulty weapons to non-Serbs. The sellers simultaneously registered the buyers for illegally being in possession of firearms. The people wanted, it seems, to buy these weapons as they were frightened and wanted to have something for self-defence. The number of such weapons around remained none the less limited.

145. When the later Serbian chief of police, Simo Drljača, briefed visitors on the background of the events in Opština Prijedor, he insisted that the Muslims and Croats had been preparing for war for more than 22 years, and that

the Serbs had "documents showing that 3,491 men who could fight from Kozarac, had accepted weapons". Simo Drljača would obviously not quote a deflated figure; there are, however, reasons for believing that his figure is highly inflated. Considering the later attack on the Kozarac area and the interrogations conducted in the main concentration camps where the possession of arms seems to have been a main theme of accusations against camp inmates (see Chapters VII.B., VIII.A. and VIII.B. infra), it may be questioned whether the sale of rather faulty weapons to perceived enemies by key people in the Serbian military ranks was designed to give the Serbs a pretext.

146. Radio Prijedor was, prior to 30 April 1992, constantly broadcasting that people ought to hand over their weapons to the authorities. The TO and the police kept their weapons. People who had no license to own weapons hid them if they had any. Muslims and Croats who had legal authorization to have weapons (normally for hunting) were visited by Serbs and threatened to hand over the weapons which they legally possessed. It is noteworthy that the non-Serbs, who "illegally" bought weapons from and were registered by the above-mentioned ill-reputed Serb and others associated with or members of the Serbian military, were not similarly visited. People on these sales lists were, however, among the first to be liquidated in the later Serbian military attacks whether or not they had kept their arms and whether or not they had taken any recourse to arms.

G. The ultimatum and official rearmament of the TO

147. Not only the Serbs, but also the Muslims, had established their own checkpoints. At least in one of the Muslim villages on the left bank of the Sana River, this happened when a Serbian representative from the police came to the village and advised it to establish such checkpoints in order to protect the village. The Serbs even gave the Muslims some weapons to be used for this purpose. These weapons were, however, of a very bad quality. On duty at these checkpoints, there were normally two or three young males with very limited, if any, experience.

148. A meeting in the local National Defence Council in Prijedor in mid-April 1992 demanded that the soldiers returning from the war in Croatia be demobilized. The Council had politically appointed members, but was chaired by Colonel Vladimir Arsić, the military commander of the area. He allegedly gave the politicians an ultimatum not to demobilize the soldiers but to have them redeployed outside of Prijedor town, together with police and TOs (which were to be mobilized and armed), to control all roads to Prijedor - from Banja Luka, Sanski Most, Bosanski Novi and Bosanska Dubica. This would become a stranglehold on both the district and the town of Prijedor. The army wanted to control all movement there.

149. Major Slobodan Kuruzović (who had returned from the war in Croatia, see Chapter V.B. infra) then invited those opposed to redeployment to come for a guided tour to Novi Varoš and another Croatian village in Western Slavonia flattened and depopulated in the war, to see allegedly the fate that would befall Prijedor if the politicians rejected redeployment and mobilization of the TO. Some of them went with Kuruzović. The ultimatum was met.

150. Radio Prijedor took active part in the propaganda to mobilize and rearm the TO. Some time earlier it had been decided that the weapons belonging to the TOs had to be stored in the military barracks in Prijedor town. Now the TOs were again provided with weapons. Many non-Serbian TOs seem to have been provided with old weapons, especially rifles. At the time, it is claimed that the weapons available for the TO in the entire Kozarac area were five machine guns. Moreover, the staff members had Dobosk (Russian rifles) with 72 bullets

in the cartridge, calibre 762. The rest had old M 48 rifles (made in Serbia) and some hand carried grenade launchers, but no grenades. More or less, all of the weapons were substandard.

151. From this time, it was indicated that the TOs were to move into the army barracks and be controlled by the army. Then, the Serbs changed their mind and wanted the TOs to hand over their weapons and demobilize.

H. A fake declaration of war

152. On 29 April 1992, Radio Sarajevo stated that a feigned telefax was circulated. The fake fax pretended to be instructions sent from the Minister of Defence in BiH to the TO, inter alia, in Banja Luka and Prijedor, to attack the JNA. The Ministry of Defence in Sarajevo immediately denounced the fax as fraud, charging that the fax showed on Television Belgrade was fake and not rubber-stamped with the seal of the Ministry of Defence in Sarajevo. It also insisted that no such instructions to attack existed or ever had existed. Television Banja Luka was persistent that the telefax and the instructions were authentic.

153. The telefax which later was circulated by Serbian leaders to prove their claim that the fax and the instructions were genuine, had the following layout and wording (the original is in the Bosnian language):

> "BOSNIA AND HERCEGOVINA
> TERRITORIAL DEFENCE STAFF
> SARAJEVO
> 29 04 1992
>
> VERY URGENT
>
> ORDER TO CARRY OUT
> THE DECISION OF THE PRESIDENCY
> OF THE REPUBLIC OF BIH 02-11-327/92
>
> ON THE BASIS OF THE DECISION OF THE PRESIDENCY OF THE REPUBLIC OF BOSNIA AND HERCEGOVINA NO. 11-327/92 OF 27.04.1992 ON THE WITHDRAWAL OF THE TROOPS OF THE JNA FROM THE TERRITORY OF BIH, AND DUE TO THE NON-OBSERVANCE OF THIS DECISION AND THE COMMENCED ROBBERY AND PILLAGE OF PROPERTY BELONGING TO THE REPUBLIC OF BOSNIA AND HERCEGOVINA BY THE FORMER JNA,
>
> I HEREWITH GIVE THE ORDER:
>
> 1. CARRY OUT A COMPLETE AND MASSIVE OBSTRUCTION ON ALL ROADS ON THE TERRITORY OF THE REPUBLIC OF BOSNIA AND HERCEGOVINA WHERE THE FORMER JNA HAS BEGUN THE WITHDRAWAL OF TECHNICAL MATERIAL, IN DIRECT COORDINATION WITH THE MUP [i.e. the Ministry of Interior].
>
> 2. CARRY OUT A BLOCKADE IN A WIDER REGION OF MILITARY OBJECTS FROM WHICH THE JNA WILL TRY TO TAKE OUT TECHNICAL MATERIAL, THROUGH DIFFERENT KINDS OF FORMATIONAL AND NATURAL HINDRANCES TO BE SAFEGUARDED BY UNITS OF THE TERRITORIAL DEFENCE OF THE REPUBLIC OF BIH AND THE MUP.
>
> 3. PREVENT UNITS OF THE JNA, UNLESS AUTHORIZED OR ACCOMPANIED BY THE MUP, FROM LEAVING THE BARRACKS AND COMMUNICATING ON THE TERRITORY OF THE REPUBLIC OF BIH.

> 4. IMMEDIATELY MAKE PLANS FOR AND START MILITARY ACTIONS ON THE WHOLE TERRITORY OF BIH AND COORDINATE THEM WITH THE STAFF OF THE TERRITORIAL DEFENCE OF THE REGION, DISTRICT OR REPUBLIC OF BIH. IN CONNECTION WITH THE MILITARY ACTIONS, MAKE PLANS FOR EXTENSIVE SECURITY MEASURES FOR THE POPULATION AND THE MATERIAL PROPERTY OF THE CITIZENS OF THE REPUBLIC OF BIH
>
> COMMANDER
> COLONEL
> HASAN EFENDIC"

154. There is no evidence to sustain a claim that a telefax like the above-quoted ever was produced by the legitimate authorities of BiH. Conversely, they had every reason to facilitate the departure of the JNA as soon as possible. For the legitimate authorities in BiH to have declared war against the JNA at the time, would have been suicidal. Moreover, if the leadership in BiH would have wanted to confront the JNA by force, there is every reason to believe that they would have taken certain carefully planned steps and not let it all materialize by means of a rather casual telefax.

155. Misha Glenny reports:

> "As early as September 1991, President Izetbegović urged Lord Carrington's conference on Yugoslavia to pay immediate attention to the question of the JNA in BiH. With considerable foresight, Izetbegović proposed that the European Community open a fund which could finance the pension of Bosnian officers and provide for the gradual dismantling of the JNA in Bosnia and the local military industries. Preoccupied with the war in Croatia, neither the conference nor anyone else heeded Izetbegović's entreaties . . . ."[11]

156. Although the Serbian authorities did not later defend their actions in BiH on the basis of the fake declaration of war, it was one of several means successfully applied to agitate fellow-Serbs, especially the simple-minded ones.

V. THE SERBS TAKE POWER - 30 APRIL 1992

A. The actual takeover

157. Two or three days before 30 April 1992, the Serbian army had established itself in all strategic positions on the mountains surrounding Prijedor town. In the town itself there were small groups of two or three JNA soldiers at all important places. The local population did not recognize these soldiers as coming from the area. The JNA soldiers looked tired, they were unshaven and were wearing shabby uniforms. It is believed that they may have arrived from the war in Croatia. They did not talk to anybody outside their circle. The groups of soldiers were, however, visited by officers driving around among them. They were provided with food which was distributed by army vehicles. After the Serbs took power on 30 April 1992, these soldiers, who were alien to the local population, were replaced by Serbian soldiers well-known in the district.

158. In the early morning of 30 April 1992, there were Serbian flags on all official buildings in Prijedor town. Sandbag shelters for soldiers with automatic weapons had been erected at all the main intersections, in front of the banks and other important buildings. There were snipers on the roofs of most tall buildings.

159. The JNA, paramilitary men, policemen, and local Serbs participated in the actual power change. Among the paramilitary soldiers were units from the Martićevci (the Krajina Militia, see Chapter V.C. infra).

160. The premises of Radio Prijedor were crowded with military people. There were some 40 to 50 armed people in the studio and a Serb employee of the radio, Mile Mutić, was with them. Milomar Stakić was introduced to the Radio Prijedor editor-in-chief as the new mayor in Opština Prijedor. At 6:15 a.m., the editor (who was a non-Serb) was presented by Serbs with a written text and told "We have taken power in Prijedor, and you have to read this text." The editor requested that Milomar Stakić join him to read the text himself, and to answer questions from the editor. In the studio, he asked Milomar Stakić what it meant that they - the Serbs - had taken power. Milomar Stakić replied that they, meaning the Serbs, were only interested in areas where there were Serbs. The editor asked him, "What then about the Muslims?" Milomar Stakić replied, "The Muslims may organize themselves as best they can." Thence the text was read by the speaker.

161. The key point in the statement was that the Serbs had taken power without one shot being fired against them. They had taken over control of all public buildings, and from then on everything was to be organized by them - the Serbs. From now on, it was the Srpske (i.e. the Serbian) Opština Prijedor. Earlier other institutions and activities had already been given the pre-fix "Srpske".

162. According to an interview with Simo Drljača (chief of the Serbian secret police in Prijedor, see Chapter IV.E. supra, and member of the Krizni Štab Srpske Opštine Prijedor):

> "In the night between 29 and 30 April 1992, he [Simo Drljača] directed the take-over of power [by Serbs], which was successfully achieved in only 30 minutes, without any shots fired. The Assembly of the Srpske Opštine Prijedor, at the end of March last year [1992], appointed him chief of the Public Security Service [i.e. in charge of the secret police and thus also the ordinary police]. He was in charge of this job during the most demanding period and remained in the position until January 1993. These days he has been appointed as Vice-Minister of Internal Affairs of the Serbian Republic. He will commence in his new functions in Bijelina on Monday."[12]

163. Bijelina is a town not far from the BiH border with Serbia proper, on the BiH side of the Drina River. It has been selected as seat for the Interior Ministry due to its geographical linkage between east and west, north and south. Earlier in the era of the SFRY, the secret police had an office in Prijedor.

164. The interview continues:

> Vujakovic: "Your work at the Public Security Station [i.e. the secret police] has recently been very much disputed. How do you consider your work during the last year?"
>
> Drljača: "The situation concerning public order in the Opština [Prijedor] is described in a report on the work of the Public Security Service (Služba Javne Bezbednosti or SJB) in Prijedor during the last 6 and 9 months. The reports have been handed over to the Executive committee of the Opština and the SJB [the secret police] Banja Luka. My strong demand that the report should be made available to the Assembly was not successful, and the report

> was never put on the agenda of the Assembly. In 15 pages is presented the work of the SJB during the last 12 months. Since the SJB is under the control of the SJB Banja Luka and the Ministry of Interior (MUP) of Republika Srpska, the control was made by an expert group from the SJB Banja Luka. This station [the SJB Prijedor] got the highest esteem of professional work. Due to the insisting of the leader of the SDS and the demand from one leader from the authorities, a commission was formed inside the MUP, which carried out the control of the SJB's work. To the disappointment of those who ordered the investigation, also this commission of experts gave the best evaluations of this Station's work.
>
> In the taking over of power, the workers of the SJB, Serbs, one and all took active part. From the beginning of the military actions, the workers of the police took active part, until this very day."[11]

165. It was announced over Radio Prijedor that the Serbian people and the SDS had taken power and control to secure their survival. Reference was particularly made to the imminent threat posed by the above-mentioned (see Chapter IV.H. supra) and disputed "telefax". It was also argued that neither the Prijedor Assembly nor the local banks functioned properly; this was cited as further indication that the Serbs were endangered. Prior to the Serbs taking power, there had been pressure on the Služba Društvenog Knjigovodstva (i.e. the Public Accountancy Service) to stop all transactions with Sarajevo and redirect them to Belgrade. The non-Serbs in Opština Prijedor had not agreed to this, which was the practice in the Bosanska Krajina SAO. After the Serbs took power, they changed the money flow according to their own wish; that is also financially they withdrew from BiH and made Belgrade their federal capital. Financial assets belonging to non-Serbs were frozen and later confiscated together with everything else belonging to them (see Chapter X.D. infra), and the financial links with the authorities in BiH were severed.

166. But as Simo Drljača and other Serbian leaders in Prijedor later told visitors, the underlying reality was that:

> "The Serbs cannot allow a government in which they are a minority. The Serbs in this area are a constituent nation. We will never accept Izetbegović as President. The Muslims did not want to accept that policy. So, a war happened."

167. The Muslims wanted to make the country an Islamic State again as it had been once before in history, so the argument went. Although there were no real indications of that at the time, it would be better for the Serbs to take pre-emptive measures against it, Serbs asserted. "If we cannot reach an accommodation, we will fight to annihilation", Simo Drljača reportedly later told visitors.

168. Radio Prijedor also broadcasted an interview with Major Radmilo Zeljaja asking him what was happening. He answered that he was not interested in civilian questions and that the army was not involved. He added, however, that the army was on the alert as it had intelligence information indicating that the army would be attacked. But the attack did not materialize, and Major Slobodan Kuruzović proclaimed himself on the radio as leader of the TO of the Serbian people. According to the forged telefax, it was the TO which was ostensibly to attack the JNA (see Chapter IV.H. supra).

169. Concerning the change of power in Opština Prijedor and the subsequent Serbian use of force, this seems not to represent an aberration, but rather the events seem to an unpleasant degree to follow a pattern well-established

in the by then Serbian-controlled areas in Croatia and the now Serbian-ruled areas in BiH.

B. Krizni Štab Srpske Opštine Prijedor

170. A key position in the changes was held by the Krizni Štab Srpske Opštine Prijedor. Key roles in the Krizni Štab Srpske Opštine Prijedor were held by the military, the police and the SDS leadership.

171. All recorded information ascertains that the Krizni Štab Srpske Opštine Prijedor had, among others, the following members.

Military:
(a) Colonel Vladimir Arsić (from Banja Luka);
(b) Major Radmilo Zeljaja (from Banja Luka);
(c) Major Slobodan Kuruzović (teacher from Prijedor later director of that same school, he was not in active military service before the war in Croatia).

Civilian:
(a) Simo Drljača, Chief of Police;
(b) Dr. Milomir Stakić, SDS, Mayor;
(c) Dr. Mićo Kovačević, President of the Executive Board of the Assembly in Prijedor (medical doctor);
(d) Simo Mišković, President of the SDS in Prijedor (retired policeman from Banja Luka, about 45-years old, no previous political activities);
(e) Srdjo Srdić, President of the Red Cross in Prijedor (after the Serbs took power on 30 April 1992) and Representative of the SDS in the Assembly of BiH, later in the SRBiH (dentist, about 65-years old, amateur actor, well-known in public life, close associate of Radovan Karadžić).

Those here mentioned have identified themselves publicly as members of the Krizni Štab Srpske Opštine Prijedor. The names of four other identified members and three possible members are not disclosed for confidentiality or prosecutorial reasons. Among them are key people from the local industry, including the iron ore mine Rudnika Ljubija.

172. The chairman of the Krizni Štab Srpske Opštine Prijedor was possibly Major Slobodan Kuruzović.

173. The President of the Red Cross is said to have been responsible for the propaganda against the non-Serbian people. He is allegedly personally responsible for plunder and physical and psychological terror. As a President of the Red Cross, he made the false pretence that the Red Cross was helping prisoners in the concentration camps. He, moreover, is accused of having organized "ethnic cleansing" by using Red Cross vehicles.

174. Mile Mutić, reporter and (after the Serbs took power) editor-in-chief of Radio Prijedor and editor of the local newspaper Kozarski Vijesnik, and Jovan Vukoja, Director of the Centre for Social Welfare, were probably not members of the Krizni Štab Srpske Opštine Prijedor. Both men have, however, been mentioned as members in some information.

175. Concerning his meeting, on 5 August 1992, with some of the members of the Krizni Štab Srpske Opštine Prijedor journalist Ed Vulliamy related:

> "The next hurdle is a room full of local dignitaries on the first floor of the police station. There is the military commander of the region, Colonel Vladimir Arsić. There is the 'civilian' mayor

> Milomir Stakić (in military uniform) and his deputy, Milan Kovačević, whose job it is to oversee the 'transit centres', including Omarska, and who was himself born in Jasenovac in 1941. He says that 'what you will find here are not concentration camps, but transit centres. We are people born out of concentration camps, determined to protect our nation from genocide yet again.' . . . Colonel Arsić and Major Milutonić stress that Omarska is run by the civilian authorities. Manjača is available for a visit, but not Omarska.
>
> . . . and then some extraordinary inexactitudes from Mayor Stakić: 'We have tried to get the other side to live in peace with us. Our problems are with the extremists, not the population. We are trying to get Muslims not to leave the area, but to stay and live with us, but they want to go to Croatia, and Germany, or back to Bosnia [we are in Bosnia, aren't we?] while the extremists bring weapons into the area, kill the Serbian people and commit appalling atrocities . . . There are no camps, there are only transit centres where people are taken for their own protection. Others are people who want to leave and we are assisting them.'"[14]

176. According to an interview Simo Drljača (chief of the Serbian secret police in Prijedor and member of the Krizni Štab Srpske Opštine Prijedor):

> Vujakovic: "How would you characterize the cooperation between the SJB and the civilian authorities, and the SJB and the military police?"
>
> Drljača: "In the period of taking over the power, the cooperation between the SJB and the civilian authorities was satisfying. Everybody did his job. But after the change of authority the new people did not understand the true role of the SJB. The attempt that it should become an organ of the Opština, which would execute the orders of the civilian authorities of the Opština, was not acceptable, and the misunderstandings began. It was demanded that a total change of the staff should be undertaken and replaced by people from the SDS, regardless of their qualification and expertise. I think it was more appropriate that I leave, but the professionals should not be touched. They will remain professionals in every system, and so they are now - while SDS is in power. If something is not done well, I should be changed and not they, because they carried out my orders and the orders of the chief of CSB (Centar Službi Bezbjednosti i.e. the Public Security Center [the superior to the SJB]) Banja Luka and the Minister of Interior.
>
> It was unnecessary to make such a fuss about the chief of the SJB and insist so much on changing the chief. The change was demanded by those people who urged the present vice president of the Opština Assembly to take over with his army the station in Omarska, what he also did. At this occasion he wounded a woman lodger at the second floor, destroyed an official car and took prisoner the commander and the staff on duty. All this he did when the police (500 men) this morning was about to go to Orasje. Against this person were brought 3 (three) criminal charges to the Military Court. A change was demanded by the present leader of the SDS, because I did not go [to him] every morning 'in order to get wise'. In the Law on internal affairs it says that such 'wisdom' (orders) is given by the chief of CSB Banja Luka and the Minister of Interior (MUP). When two honest policemen and the honest family of Butinski were killed in Trnopolje, the same

> leader of SDS stated in front of me and my men that if their chief had been elected, the murders would not have happened. One knows who killed the two policemen and the Butinski family, I believe that no chair on earth is worth their lives.
>
> For the first time I inform the public that I personally insisted to the Minister of Interior that I should not carry out this function any longer, in order not to raise dust about the leader of the SDS. After the presented arguments the Minister agreed that I should no longer have the function of chief of the SJB.
>
> In contrast to the present civilian authorities (i.e. individuals), the cooperation was excellent with the Army of the Republika Srpska and with the officers of that army. The cooperation was manifested in the joint cleaning of the terrain of traitors [otpadnik which also may be translated as heretics, renegades, or deserters], joint work at the checkpoints, a joint intervention group against disturbance of public order and in fighting terrorist groups. Leaving this job I wish that the officers of the Army of the Republika Srpska and the army continue with a still better cooperation with the SJB in order to achieve the common goal."
>
> Vujakovic: "How do you interpret the completely different evaluation of your work by the Opština and the Republika Srpska?"
>
> Drljača: "When we speak about change, it is a fact that the Opština Committee of the SDS has removed those people who carried through the revolution, only the leader of the SDS is left. By replacing the chief [of the SJB] by their man (as if I were not their man), the Opština would be complete as a state. I did not join this revolution in order to create a principality and a prince, but the Republika Srpska, and that is why I insisted to leave. Why have I been appointed by the Minister to this function? I believe that the Minister is well informed about my work so far by people who are competent to evaluate this."[15]

C. The military and the armed entities

177. The concept of the Krizni Štab existed already in military strategic theory in the former Yugoslavia prior to the wars. The military as such was in a sense always afraid of the people. The military were above the people and had privileges which easily could lead to the people turning against the military. The military consisted of rather conservative or reactionary Communists, whereas the people seemed to be progressing towards democracy. The military wanted to control the people and thus needed to give the people the impression that in actual fact, the people controlled the military. In this the military, generally speaking, succeeded. The worst case scenario contained the plan that the military would establish the Krizni Štab. Thus, the military would make sure to have included in the Krizni Štab people whom they trusted. Trust in this context means loyalty and subordination.

178. The Krizni Štab Srpske Opštine Prijedor was involved in the logistic support and production for the army. The Krizni Štab was an instrument of gaining complete control of the entirety of Opština Prijedor (or over any other geographic area where a Krizni Štab was proclaimed). Soldiers who worked for the interests of the army were posted also in industry and other production units to control the production, to gain support, and to control civilians.

179. The Krizni Štab also had as its function to arm the Serbs within its operational area. Other functions were to block communications and make provocations within mixed ethnic settings. The pivotal function, however, was to voice that the Serbian people as such were threatened by the non-Serbs, the consequence of which was the urgent need for the JNA to act to protect the people. The idea was to be able to mobilize strategically with the consent of the people, i.e. to take up positions with artillery and tanks, etc. and soldiers to "defend" the Serbian people.

180. On 30 April 1992, the JNA still existed. On 27 April 1992, the Presidency of BiH had issued a decree to the effect that the JNA was to leave the country. At the same time, JNA personnel were invited to join BiH's newly formed TO. As a cease-fire agreement was signed in January 1992 for Croatia, a sizable number of JNA military personnel withdrew to BiH.

181. When the Serbs took power in Opština Prijedor, the army in the area was still officially under the leadership of the Minister of Defence in Belgrade, General Veljko Kadijević. The Acting Federal Secretary for National Defence and Chief of General Staff at the time was General Blagoje Adžic (who later replaced Veljko Kadijević as Minister of Defence).

182. Opština Prijedor belonged to the 2nd Army District of the JNA. At the time, Lieutenant General Milutin Kukanjac was the commander of the 2nd Army District. His deputy was Lieutenant General Milan Aksentijevic. The regional command for Opština Prijedor was in Banja Luka, where the 5th Corps was headquartered. In March and April 1992, the 5th Corps was under the command of Major General Vladimir Vukovic and his deputy Major General Momir Talić. Major General Vladimir Vukovic was ill at the time, and died later in the year in Belgrade; he thus is considered to have taken no active part in the military operations in Opština Prijedor in 1992. (Also the 9th, 10th and 13th Corps were under the same 2nd Army District of the JNA. These corps were, according to Croatian military sources, engaged in military operations in Croatia from February to April 1992.) Colonel Arsić was among the brigade commanders in the 5th Corps.

183. The 11th Partisan Brigade of the JNA was stationed in Prijedor, its headquarters was the 5th Corps in Banja Luka. The commander for the 11th Brigade was probably Colonel Mainković. The 343rd Motorized Infantry Brigade (with its artillery support unit) of the 5th Corps is likely to have been stationed in Prijedor already by February 1992.

184. A partisan brigade is one of the regular brigades in the JNA. The JNA has motorized brigades, infantry brigades, mountain brigades, heavy armour brigades (with tanks), partisan brigades, and the TO. The JNA also has de facto ties to paramilitary groups. The different units are well-coordinated to work towards the same goals.

185. A partisan brigade is a light infantry brigade armoured with light weapons (including 60 millimetre and 80 millimetre mortars). Whereas a motorized brigade may have 6,000 members, a partisan brigade will be some 1,000-1,500 men large. Normally, the partisan brigades operate in the home areas of their soldiers where they are fully familiar with the terrain. Primarily, a partisan brigade will be stationed in an area where it is difficult for a motorized brigade to advance or operate at all. The small partisan brigades are ideal for the task of moving into an area to clear it.

186. On 4 May 1992, the Federal Presidency in Belgrade ordered the complete withdrawal within fifteen days of all JNA personnel (and their families) who were citizens of the FRY. On 8 May 1992, General Blagoje Adžic, the Acting Federal Secretary for National Defence and Chief of General Staff of the JNA,

retired and 28 other commanders - Lieutenant General Milutin Kukanjac among them - were forced to retire, probably in order to placate outside concern over the fact that the JNA was Serbian-dominated.

187. From late May 1992, when the JNA ostensibly had left BiH territory as far as its members originating from outside BiH were concerned, the remaining Serbian military in the region of Banja Luka (as well as in other regions) officially converted the remaining JNA into the Army of the SRBiH (also known as the BSA, i.e. the Bosnian Serb Army). The transformation essentially was characterized by a change of name and insignia. The Army SRBiH was to be commanded by General Ratko Mladić. When he was appointed to his new duty in the first half of May 1992, General Ratko Mladić was still commander of the Knin Corps (based in the Croatian Krajina). Under his leadership, large areas had been laid waste during the war in Croatia. The overall command structure, the lion's share of the military personnel, the weaponry and the ammunition of the JNA, remained in place with the Army SRBiH. In Banja Luka, the 5th Corps of the JNA thence became the 1st Krajina Corps. The commander was Major General Momir Talić (who had previously been the deputy commander of the 5th Corps). His deputy commander was Bosko Kelecevic. When the SRBiH changed its name on 12 August 1992 to the Republic of Srpska (see Chapter III.D. supra), the Army SRBiH changed its name and acronym to VRS (Vojska Republika Srpska, i.e. the Army of the Republic of Srpska).

188. It is recalled that the Republic of Srpska was proclaimed as a separate entity only in the sense that this new Republic would remain within the joint State of Jugoslavia (now the FRY) as one of its units (see Chapter III.D. supra).

189. Under the new regime, the 5th Corps, as mentioned, became the 1st Krajina Corps; the partisan brigades were renamed as light infantry brigades; and the 343rd Motorized Infantry Brigade thenceforth became known as the 43rd Motorized Brigade.

190. The 1st Krajina Corps has two divisions, the 30th and the 10th Division - including the 1st and the 2nd Armoured Brigade. The 1st Krajina Corps uses the T-12 cannons, 120 millimetre calibre. The light infantry brigades equal the partisan brigades. These are the brigades which together with the paramilitary groups have caused the most destruction. In the case of the military attacks in Opština Prijedor, the military forced the non-Serbian inhabitants to hand over their property to the military. As far as the military operations were concerned, the military had the command and the civilian administration had marginal direct influence.

191. The 43rd Motorized Brigade was stationed in Prijedor. It is said about the Brigade that it fought fiercely in Hambarine, Kurevo and Kozarac (as in many other areas outside Opština Prijedor).[16] The 6th Battalion of the 43rd Brigade was formed in the village Ljeskare (a village in the Ljubija area in Opština Prijedor) in June 1992. The 6th Battalion is also known as "Ljubija" or "Bilbija's" after its commander, Rade Bilbija. "Combatants of this Battalion played an important role in the 'cleansing' of the Kurevo area".[17] According to Commander Rade Bilbija:

> "Regarding the ethnic structure of the population in the region where the 6th Battalion was formed, it included a large number of Croatian and Muslim combatants. This did not reduce the military alertness and the fierceness of this Battalion."[18]

192. To add a sense of urgency, fully enlist the local Serbs in the military course, and take advantage of their capabilities, local inhabitants were also used as infantry. In order to persecute the non-Serbs (who cannot be

distinguished from the Serbs by appearance and not automatically by language) with military means without wiping out the entire population, thorough knowledge about the people in the district was required. The declared enemy was not an entity of combatants.

193. According to former high-ranking military personnel in the JNA, there was within every military corps a recognized need for having (concentration) camp personnel. The personnel to be available for the camps were from:

(a) the military police;
(b) the public security (služba bezbjednosti) or secret police; and
(c) an intervention unit.

194. The intervention units were to trace and capture the potential camp inmates. The military police would guard the camps. The služba bezbjednosti personnel would interrogate, torture, and kill camp inmates and be in charge of the psychological part of the operation. The most brutal functions of the služba bezbjednosti personnel could alternatively be carried out with the assistance of paramilitary units. Among such paramilitary units were the Red Berets (also reported on by Television Banja Luka). The Red Berets were trained in the Kozara military barracks in Banja Luka. They were so-called SOS forces (Srpske Obrambene Snage i.e. Serbian Defence Forces). The Red Berets were possibly also used in Prijedor town when the Serbs staged their coup on 30 April 1992, these Red Berets were particularly well-armed.

195. Concerning the composition and functions of the intervention unit in Opština Prijedor, Simo Drljača (chief of the Serbian secret police in Prijedor and member of the Krizni Štab Srpske Opštine Prijedor) in an interview stated that:

> "[T]hey [the police force (including the secret services)] carried out my orders and the orders of the CSB [the Public Security Centre] Banja Luka and the Minister of Interior.
>
> . . .
>
> . . . the cooperation was excellent with the Army of Republika Srpska and with the officers of that army. The cooperation was manifested in the joint cleansing of the terrain of traitors, joint work at the checkpoints, a joint intervention group against disturbances of public order and in fighting terrorist groups [emphasis added]."[19]

196. The intervention unit was in other words an amalgamated entity with shared responsibility for the police and the military. The intervention unit was used, *inter alia*, to trace and capture the non-Serbian leadership, and allegedly members of the intervention unit killed prisoners arbitrarily during transport to the Manjača camp and participated in mass-killings of "deported" prisoners in the Vlašić Mountain area (see Chapters XII.C. and XII.D. *infra*).

197. Several paramilitary forces were operating in Opština Prijedor in 1992 and possibly later. Among them were units from the Martićevci, the Krajina Militia created by Milan Martić - Milan Babić's Interior Minister and military organizer. The Martićevci units have earned the reputation as one of the most terrifying organizations which participated in the fighting between Serbs and Croats during the war in Croatia. Another entity was Arkanovci - or Arkan's Tigers. Željko Ražnjatović - alias Arkan - is a Montenegrin by birth. Arkan himself reportedly claims that he has a past as an assassin for the secret police in the former Yugoslavia. He was probably called upon by the same secret police to take the leadership in the fan club of the Red Star football club in Belgrade to channel the political energy of the football fans and the hooligans. In any event, Arkan has a criminal record from several countries.

His followers in the former Yugoslavia are known to have committed very violent crimes. Now, having made himself a fortune, Arkan has become a Serbian politician. Arkan's Tigers are normally dressed in black, but on occasion may carry red berets. A third unit, also named after its leader, is the Šešeljovci. Vojislav Šešelj is the self-proclaimed leader of the Četniks in Serbia. As a politician, he runs the Serbian Radical Party (Srpska Radikalna Stranka, the SRS). Šešelj is considered to have adopted a fanatical ultra-nationalist stance, thus he is also referred to as the Red Duke. Finally, as far as major paramilitary groups are concerned, there are the White Eagles (Beli Orlovi) under the command of Dragoslav Bokan. The White Eagles are the paramilitary formation of the extremist Serbian National Renewal Party (Srpska Narodna Obnova, the SNO) founded by Mirko Jović. (For more information on these and other paramilitary groups, see Annex III.A. Special Forces.)

198. When, in July 1992, Captain Milovan Milutinović, spokesperson of the Army SRBiH in the regional centre in Banja Luka, was asked about the multitude of uniforms and insignias in use, he was adamant that this did not change the fact that there was only one army. After 15 May 1992, he stated that there were no more irregulars or paramilitary forces. There had been such fighters previously, but all military forces were subsequently put under a unified command. He added that those who had resisted a unified command had been imprisoned.

199. It may be informative to pay attention to what Serbs later say about the relationship between the political leaders and the regular military forces on the one hand and the paramilitary units on the other. In an interview with Vreme, Colonel Milan Milivojević, speaking about the army which he has been serving for 35 years, explained:

> "All volunteers fought under the command of the former JNA. They were armed by the JNA and the Territorial Defence. Today, some of those volunteer units are being called Fascist due to certain political and party interests. They are being accused of genocide. Well, we all know who is responsible for that. Such volunteers were suited for the purposes of the former JNA authorities because they did their job for them. And they did it the best they could."[20]

200. A Serbian association of war veterans related its plight in an interview with Vreme:

> "Our proposed statute comprises only the most human goals. The Association is a non-political organization which includes all combatants, regardless of their differences - JNA, Yugoslav Army, Territorial Defence, all kinds of volunteers. All volunteers have been armed and sent to the front lines by the JNA and the Serbian Ministry of the Interior; they served under the direct command of the JNA or the Yugoslav Army, the Serbian Republic of Krajina and the Serbian Republic, or under the command of the local commanders in those armies."[21]

The introduction to the same article reads:

> "The participants of the recent Yugoslav wars - since 1990 until date - are suddenly expendable: neither Serbia for which they thought they were fighting, nor the army under whose flag and command they fought, want them any more. Serbia has not been at war, the army have not had a State, and it cannot support its active soldiers."[22]

201. In a general article about the army and the paramilitary published in Vreme, it is alleged:

> "The police who has only recently helped bullies and criminals, protected and armed them, and provided them with undisturbed passage on the Drina and Sava rivers in both directions, now arrests them, and brings them to justice. In Srem, Niš, and other places, the political showdown is at full swing, made possible only due to the conditions of total anarchy.
>
> Often such unlawfulness were concealed: the best example is the relationship of the official authorities of the Republic of Serbia towards grave breaches of international humanitarian law regarding armed conflicts conducted first in Croatia and then in Bosnia and Hercegovina. The data about that arrived from various sources. They were registered by the international community through its authorized bodies. Regular army units have been blamed, along with numerous paramilitary formations (established by various political parties) whose influence and power grew so much that they were equated with the official authorities, as simultaneously existing institutions of growing anarchy. SPS [Socialistička Partija Srbije i.e. the Socialist Party of Serbia] and the Republic of Serbia ignored those events. Not by accident: in the circles of newly established VIPs who first accumulated enormous material wealth by breaching all norms of the international humanitarian law, showing in such a manner an amazing appetite for political influence and power, representatives of the official government in Serbia found the safest footholds to maintain their drastically shaken position. The crimes were covered up, denied, and at the same time instigated so that the noble cause of the Serbian national interests be realized: the ethnically pure regions for the future Greater Serbia."[23]

202. In September 1991, the United Nations had introduced an arms embargo against the whole of the SFRY. Although the United Nations recognized the State of BiH and accepted it as a member-State on 22 May 1992, the arms embargo was not lifted for this new and independent State. Even if the embargo continued to apply also for the Serbs, the Serbs were in control of most of the stockpiles of the JNA (which had just been augmented with an extra 14,000 tons of weaponry from the Middle East prior to the arms embargo being introduced).

D. Victory for the SDS

203. Misha Glenny wrote the following about the "peculiar political development" in Opština Prijedor prior to Serbs taking power:

> "For some unknown reason, the former federal Prime Minister, Ante Marković, had decided to hold the founding conference of his Reformist Forces Party in Prijedor before the 1990 elections in BiH. The population of the Prijedor region was 44 per cent Muslim and 42 per cent Serb, while 8 per cent considered themselves Yugoslavs. Marković's campaign in the Prijedor region split the Serb vote, as many in the town itself voted for the Reformist Forces. As a consequence, Izetbegović's Party, the SDA, secured a relative majority which made Prijedor the only district in the Bosanska Krajina which was not under the control of Karadžić's Serbian Democratic Party. This created a problem for the local SDS leaders as they found it impossible to co-opt Prijedor into

> their SAO (Serbian Autonomous District) Bosanska Krajina, the pride of Serb militancy. During the war in western Slavonija in the summer and autumn of 1991, General Nikola Uzelac, commander of the Banja Luka corps, mobilized the local population in order to take part in the fighting in Croatia, to the north. Not unnaturally, the Muslims refused to respond to the mobilization and in Prijedor, the SDA-dominated government refused to co-operate with the issuing of the call-up papers."[24]

204. Later, when Simo Drljača once was to explain to visitors the Serbian taking of power on 30 April 1992, he started with contemplating the previous political situation in Opština Prijedor. As he said, 85 per cent of the Muslims in the district had voted for the SDA. However, because of "that robber Ante Marcović" the Serbian votes were divided. Ante Marcović's party received the votes of the intellectual Serbs and 90 per cent of the votes from Serbs living in mixed marriages (12 per cent of the population). Other Serbs also voted for the leftist party. The SDS got only 28 per cent of the votes, although the Serbian population counted for 42.5 per cent of the population. When Simo Drljača was asked how the SDS then took power, he did not hesitate to state that it happened by force. The power change in Opština Prijedor had been by the gun. Thenceforth, the Serbs had submitted to the SDS.

VI. IMMEDIATE CONSEQUENCES

A. Control of information and increased propaganda

205. Opština Prijedor had two main local media: Radio Prijedor and the newspaper Kozarski Vjesnik. Both became, almost immediately after the Serbian takeover, mouthpieces of the new Serbian leaders, or rather the latter took control over these media. Strict censorship was one aspect of this; the dissemination of propaganda another. Smaller media entities followed suit if operated by Serbs; if their executives were non-Serbs, these media were silenced with the persecution of the non-Serbs.

206. After 30 April 1992, the Serbs working in Radio Prijedor were even dressed in camouflage uniforms. It made no difference that Radio Prijedor was financed mainly by advertisements. Serbian leaders who wanted to make statements over the radio or to have announcements read came with military people and guards to the studio to have their will.

207. All the time, during the first days after the Serbs took power, terrified listeners called the radio for advice and solace. At 9:00 p.m., probably on 2 May 1992, Bećir Medunjan and Ilijaz Memić, both from Kozarac - the latter the local leader of the SDA, came and asked permission to broadcast a statement. The two, who were both Muslims, wanted to state that there was no reason for unrest in Kozarac; no Serb had or should have anything to fear and guards had even been posted outside the Orthodox church. The editor of Radio Prijedor agreed to let them broadcast their message. As they were half way into the studio, they were stopped by four or five Serbian military people with guns. Three identified Serb leaders whose names are not disclosed for confidentiality or prosecutorial reasons, spoke on behalf of the Serbs and said that the Muslims from Kozarac had to seek permission from the police in Prijedor town before they could transmit their communication. It made no difference that the editor became upset and questioned the independence of the radio threatening to resign if it was not restored. The Muslims from Kozarac were prevented from broadcasting their message of reconciliation - Kozarac was a predominantly (approximately 90 per cent) Muslim town.

208. On 3 May 1992, the entire editorial staff met and the Serbs insisted

that the radio was independent and that everyone, that is the Serbs and the non-Serbs, should work together. The next day, however, an instruction came from the *Krizni Štab Srpske Opštine Prijedor* that the editor had to read a communication which was biased against the Muslims. Being the chief editor, he had the speaker read the communication. Thence the editor-in-chief asked for and accepted his resignation. The Serbs let him off "for annual leave".

209. The Serbs spread much fascist and Serbian nationalist propaganda at the time also through the two main media. As the radio was operating full time and the newspaper published only once a week, the radio became the key propaganda instrument for the new Serbian leaders. Previously banned *Četnik* songs were again allowed and much played in radio programmes. *Radio Prijedor* was used also for political and private attacks on leading SDA members, such as Mirza Mujadžić, Bećir Maduwjanin (it was stated that he was a Kosovo-Albanian which was not true), and Muhamed Čeharić, the now unseated mayor of Prijedor town. The propaganda was malevolent. The Serbs claimed that, in particular, Muslim extremists were many in the area and dangerous, preparing genocide against the Serbs.

210. The general situation deteriorated with the propaganda. There were occasions when Serbs were walking in the streets in Prijedor town shouting "All Muslims and Croats ought to be slaughtered", or "Your Alija [President Izetbegović] will lead you to extinction." When the killings started later, males with the first name Alija were targeted - if for nothing else - because of their names.

211. From the outside, radio amateurs in Zagreb were among the first to pick up information that Prijedor was afflicted. As others learned it from them and tried to call relatives and friends in *Opština* Prijedor, the latter would - if their telephone lines had not yet been disconnected - briefly state that everything was fine and hang up the telephone. Fear was immediately *pervasive* among non-Serbs. Soon most non-Serb telephone lines were disconnected.

B. *Control of movement*

212. An immediate consequence of the Serbian takeover was severed communications between *Opština* Prijedor and the outside world. It became more difficult to travel even within the district. Bus services were closed down.

213. From when the Serbs took power, people could be asked to show their identification cards at any time. On 30 April 1992, identification papers were asked at almost every intersection in Prijedor town at least if the people in question were not known to the controllers as being Serbs. Later, identification was asked at checkpoints, and also at random. Non-Serbs easily had serious problems when they were identified as such - even if their identification cards were valid and carried at all times.

214. Almost all the *mjesna zajednica* (the administrative units into which an *Opština* is subdivided - one for each village and part of town) had its Serbian *Krizni Štab* which could issue travel permits, but in practice the travel permits had limited value and the roadblocks were actually effective. One example: A 20-year old young man, whose name is not disclosed for confidentiality or prosecutorial reasons, lived in Rakovčani. He had a Serbian girl-friend and with a travel permit went on his bicycle to see her in Prijedor town. On his way back, he was stopped near the suburb Tukovi by policemen in a car, one of them, whose name is not disclosed for confidentiality or prosecutorial reasons, asked for his identity card and travel permit. The young man had his papers in order, but regardless of that he was brought to *Logor* Keraterm (see Chapter VIII.B. *infra*). Some ten days

later the young man was called out in Keraterm at night, beaten for hours, and died just after he was carried back into the hall where he was detained.

215. Starting probably on 2 May 1992, a nightly curfew was introduced in Prijedor town. Later a curfew was introduced also in Ljubija town. The curfew was in effect for non-Serbs as well as Serbs. Even medical doctors on duty had to get a special permission to move anywhere during the curfew hours.

216. After the attack on Prijedor town (see Chapter VII.C. infra), the inhabitants even needed a written permission in order to move from one part of the town to another.

C. Dismissal of the non-Serbian workforce

217. Within days - in most cases - of the Serbs taking power, most of the non-Serbs were dismissed from their jobs, be it as public officials or manual workers. In all key functions, such as in the local administration, the empty posts were taken over by Serbs. But it was no precondition for workers being discharged, that there were Serbs who could fill their places. Rather, even when it was a clear disadvantage also for the Serbs that a certain job was left vacant, the non-Serb was - save for a few exceptions - fired.

218. After the power change the courts put all their non-Serbian legal staff on a list (all were Muslims, two Croats had left the Opština earlier). Later everyone on this list was detained in a concentration camp.

219. At the time of the coup, the police received two sets of conflicting instructions. Sarajevo gave their normal instructions that were the same for all the police officials regardless of ethnic group. Banja Luka ordered the police to split up and Serbian and non-Serbian police to be treated differently. Just after the coup, the non-Serbian police were called for a meeting in the town hall chaired by Simo Drljača. The latter informed everyone that henceforth they would have to abide by Serbian law and sign a declaration to that effect within a 15-day time limit. Furthermore, they would have to display Serbian emblems. Very few non-Serbian policemen signed the declaration of consent, and no one remained in the police more than the first 10 to 15 days. The non-Serbian policemen did not dare to appear at the police stations, and they did not receive the last salary from prior to the coup. Retired Serbian policemen and reservists from among the Serbs were called in for service. Simo Drljača had a law degree, but earlier he had only held posts of a marginal character in the legal profession. Former non-Serbian policemen were soon among the people particularly targeted for persecution. One former inmate, whose name is not disclosed for confidentiality or prosecutorial reasons, in Logor Omarska (see Chapter VIII.A. infra) claims that on one occasion, 20 non-Serbian policemen from Prijedor were executed by the Serbs in that concentration camp.[25]

220. Only in a few cases is it known that the Serbs accepted the continued services of non-Serbs. A female doctor was permitted to continue her work, as was a scientist working on technical questions. The latter worked from a position of house arrest imposed by the Serbs, and he was provided with his work by the Serbs. A number, fewer than 30, workers from Autotransport Prijedor also kept working until they were allegedly executed in late July 1992 (see Chapter VIII.E. infra). Considering the latter instance and the extreme need for transport facilities which the Serbs soon were to have, it may be assumed that it was the needs of the Serbs that gave the remaining non-Serbian workers some respite concerning the fate awaiting them under the new regime.

D. Disarming of the non-Serbs and ultimatums

221. The Serbs continued as they had started before taking power, and enforced a unilateral demilitarization of Muslims and Croats and all other non-Serbs. The process of Serbs visiting non-Serbs who were licensed to hold weapons and demanding that they give their weapons up was intensified after 30 April 1992. It was now combined with a campaign where non-Serbian police and TOs were also instructed to hand over their weapons, and non-Serbian houses and villages were searched for arms. However, those who were registered for illegally having bought arms from Serbs - many of these Serbs were prominent under the new regime - were not approached at the time like those who were licensed to possess arms. Later, illegally held weapons were used against non-Serbs as a warrant to annihilate them.

222. Most important, the self-appointed Serbian administration in Prijedor started soon to give ultimatums to the non-Serbian population. Using the radio, the Serbs every day named a village, a town or a part of town where at a given time the Muslim and Croatian inhabitants and other non-Serbs had to hand over their weapons. Two distinguished Muslims, whose names are not disclosed for confidential or prosecutorial reasons, tried to convince the Muslims to give up their weapons. Most Muslims and Croats did hand over their weapons. The Serbs were none the less not satisfied and used this to brand them as extremists. It seemed as if the Serbs were constantly looking for something for which to blame the non-Serbs.

223. In named areas in the Ljubija region, for example, there were ultimatums issued that the weapons held by non-Serbs were to be presented to the Serbian administration between 22 and 30 May 1992. Shelling of non-Serbian habitations gave weight to the urge in the Serbian demands. Subsequent to the Serbian ultimatums, weapons were surrendered as follows:

(a) on 23 May 1992: from Ljeskare, Croatian villagers; from Kalajevo, Croatian villagers; from Jugovci, Muslim villagers;

(b) on 24 May 1992: from Gornji Volar, Croatian villagers; from Šurkovac, Croatian villagers; from Donja Ljubija, Muslim residents;

(c) on 24 and 25 May 1992: from Ljubija, Croatian residents; from Žune, Croatian villagers;

(d) on 31 May 1992: from Briševo, Croatian villagers;

(e) on 1 June 1992: from Gornja Ravska, Croatian villagers; from Donja Ravska, Croatian villagers.

E. Provocations or pretexts

224. It happened, possibly one of the last days in April or on the first day of May, that a Serbian reserve policeman was killed in the centre of Prijedor town. Both Radio Prijedor and the newspaper Kozarski Vjesnik were implying that the Serbian policeman possibly was killed by a Muslim. People - among them the SDA chairman - called the radio afterwards claiming that Serbs had killed the Serbian policeman. The main belief was probably that the policeman had been killed in the wake of an argument with fellow Serbian policemen, when at night time they had been drinking at the Cafe Bijelo Dugme in the town. Another version has it that the Serbian policeman was shot dead by an unidentified man who ran away from the scene of the crime in the direction of some Muslim dwellings, on the basis of which it was concluded that the perpetrator was a Muslim. Others claim that the Serbian policeman was killed

by two of his colleagues, whose names are not disclosed for confidentiality or prosecutorial reasons (one of them by then retired as a policeman), according to a plan to have Muslims blamed.

225. The Serbian policeman lived in a village some four kilometres north of Prijedor town in the direction of Bosanska Dubica. Probably on 2 May 1992, after the policeman had been killed, a bus heading south from Bosanska Dubica and towards Prijedor was stopped by a neighbour of the policeman. The neighbour asked the passengers to show their identity papers. Coming across a Muslim woman and her young daughter, he forced them both to leave the bus and shot them dead on the spot, for no other reason than that they were Muslims. Approximately half an hour later, a tractor loaded with hay came on the same road driven by the manager of the agricultural pharmacy in Prijedor town who was with one of the workers (their names are not disclosed for confidentiality or prosecutorial reasons). The neighbour once again asked for identity cards and established that the two were Muslims. He killed them by allegedly using a knife. Both victims lived in villages near Prijedor town.

226. The next day the elected but just ousted mayor of Prijedor, Muhamed Čeharić, wanted to speak over Radio Prijedor, and he invited everyone to join the funeral of the manager of the agricultural pharmacy as a demonstration. The editor-in-chief of the radio was very much criticized for allowing the former mayor to speak over the radio. No incidents occurred in connection with the funeral on 5 May 1992, but the cemetery was heavily guarded by Serbian military and police. The people participating in the funeral were reportedly scared.

227. Radio Prijedor later reported that the liquidation of the four Muslims was under investigation, which the non-Serbs considered a lie. It was also stated on the radio that Serbian police and army (after the Serbs took power they referred to their military just as Vojska, i.e. the Army, and not as the JNA or other specific military entities) tried to stop people from Gornji Jelovac from assailing Gornja Puharska - the suburb Donja Puharska was where the alleged killer of the Serbian policeman was to have been running.

228. Serbian-controlled television stations sent, moreover, propaganda from other districts causing trepidation among simple minded Serbs. The Serbs were constantly referring to three or five killed Serbs and showing pictures of arsenals of weaponry allegedly confiscated from non-Serbs who had planned to use these arms against Serbs. Rumours among non-Serbs would have it that the Serbs collected some of their dead soldiers from Pakrac in Croatia and used them for propaganda purposes, throwing them carefully around in other places where that seemed to be of advantage. The Serbs were quite successful with their propaganda, and they constantly reiterated that the Croats and the Muslims were extremists.

VII. THE MAJOR SERBIAN MILITARY OPERATIONS

229. Before any of the major Serbian military operations started, an SDS official had been questioned in an interview broadcast by Radio Prijedor whether members of the Arkanovci and the Šešeljovci were in town. He had answered in the affirmative.

230. The Serbs continued their arms race also in the days just after taking power. On 2 May 1992, people saw long columns of artillery being transported through Prijedor town in the direction of Sanski Most, i.e. to the south towards the Hambarine area.

A. The attack on Hambarine

231. Before Hambarine and later other villages on the left bank of the Sana River were attacked by the Serbs, the population in many of those villages had been augmented by an influx of Muslims and Croats who had fled from attacks - similar to those to come in Opština Prijedor - by the Serbs on their home villages to the west of Opština Prijedor. Many Muslims seeking shelter in Hambarine and nearby villages had fled from the destruction of Donji Agići and Budimlić Japra. The non-Serbian villages in Opština Bosanski Novi had been purged before the Serbs took power in Opština Prijedor. Over Radio Prijedor, the people in the Ljubija region had been called upon to receive and shelter the fleeing non-Serbs from Opština Bosanski Novi.

232. On 22 May 1992, at about 7:00 p.m., a black car - probably a VW Golf - came up to a checkpoint on the road to Ljubija held by non-Serbian TOs near a cluster of houses just outside the village of Hambarine. Except for the driver who was a Croat, there were four Serbs in the car - all reportedly members of the White Eagles (Beli Orlovi) paramilitary unit. The Serbs had allegedly forced the driver to bring them to the Hambarine area. The car was stopped at the checkpoint and the Serbs were asked to surrender their arms which would be returned to them on their way back. At that moment, one of the Serbs opened fire with his machine gun. The commander at the checkpoint was wounded. The other non-Serbs at the checkpoint returned fire and killed two of the Beli Orlovi and wounded the two others and the driver. The Serbs thence asked the non-Serbs to surrender themselves and the checkpoint. The wounded non-Serbian TO commander later died from his wounds. An identified Serb, whose name is not disclosed for confidentiality or prosecutorial reasons, interviewed one of the wounded Serbs on Radio Prijedor. The interviewee confirmed that the Serbs had fired the first shot. The wounded Serb used the interview as an opportunity to state that all Serbs should welcome and support the members of the Arkanovci and the Šešeljovci.

233. A Muslim former policeman, whom the Serbs had dismissed after they took power in Opština Prijedor, lived in a house alongside the road from Prijedor to Hambarine, not far from the checkpoint. After the shooting incident, the Krizni Štab Srpske Opštine Prijedor delivered an ultimatum over Radio Prijedor in which they demanded that the former policeman be handed over to them (probably together with three identified persons whose names are not disclosed for confidentiality or prosecutorial reasons, who had manned the checkpoint when the shooting took place) and that all weapons in Hambarine be surrendered to the Serbs. There was no information to indicate that the former policeman had been a party to the events at the checkpoint. Unless the ultimatum was met by noon the next day, the Serbs would attack Hambarine.

234. As the ultimatum was not met on time, the Serbs more or less immediately after the deadline was passed started a heavy bombardment of Hambarine with artillery fired from the aerodrome at Urije, across the valley where Prijedor town is located. People in Prijedor town could see that a number of houses in Hambarine caught fire. As the artillery fire ceased, the village was attacked by tanks and by infantry in full cooperation and coordination with paramilitary units. There was grenade and gun fire and more houses were set on fire, starting all along the road leading from the Serbian-inhabited quarters in the suburb of Tukovi (in Prijedor town) and up to Hambarine.

235. When the bombardment of Hambarine started, large numbers of villagers fled to other nearby Muslim or Croatian-dominated villages and sought shelter there, others took to the woods and remained under the open sky until they considered the immediate danger over. Those who had escaped to the Kurevo woods also came under artillery fire. Many of the runaways later came back to Hambarine of which Serbian soldiers had taken control. The mosque in

Hambarine had by then been destroyed by the Serbs. Some of the returning civilians were at first pushed back again to the woods by the Serbian soldiers. Save for the houses having been burnt to the ground - allegedly some fifty only in the first day of the attack - other houses had been damaged. Rampant pillaging by Serbs took place and lasted for some two weeks.

236. Also on 22 May 1992, the so-called Serbian army entered the town of Ljubija (further to the south) and occupied its main square. All cultural, entertainment, and sports activities stopped in Ljubija. The people were terrified. The Serbs introduced a curfew from 9:00 p.m. to 6:00 a.m., and it was prohibited for people to meet in groups on the streets and to use the main square for traffic. Soon after, the Serbs started to arrest people from Ljubija town and intern them in the concentration camps.

237. The number of dead and wounded after the attack on Hambarine is not yet known. Some estimate it at approximately 100.

238. After Hambarine was conquered the Serbs renamed it Petrovo Brdo (i.e. Peter's Mountain).

239. When the ousted mayor of Prijedor was arrested in his home in Prijedor town on 23 May 1992, the Serbs charged him with having arranged the "attack" on Serbian soldiers in Hambarine the previous day.[26] There is no information to sustain such an accusation against the former mayor, who later apparently was killed by the Serbs.

B. The attack on the Kozarac area

240. Kozarac was a small town located approximately 12 kilometres east of Prijedor town, at the foot of the Kozara Mountain. Regardless of its size, Kozarac was an industrious town with small-scale industry, trade and service industry. Including villages and hamlets in the surroundings, the Kozarac area had almost 27,000 non-Serbian inhabitants. The area as such was relatively wealthy also because many people living there had been guest workers in Western Europe and had brought home their hard currency savings.

241. Having consolidated their power and position in Prijedor town, the new Serbian administration at one point in time urged all Muslims to leave Prijedor town for Kozarac which would become a kind of Muslim borough, ethnically pure. This idea never materialized. If it had, it would probably have achieved nothing but to add more victims to those actually afflicted in the Serbian military onslaught on the Kozarac area.

242. The Kozarac area had regular defence positions on the road Prijedor - Banja Luka at Trnopolje, and at Mrakovica (on the Kozara Mountain) near Kotovatže where there were eleven TOs and also police both in active service and reservists.

243. After the Serbs took power in Opština Prijedor, all Muslim police were ordered to join the Serbian police and to wear Serbian uniforms and Serbian insignias. Before the attack, the Serbs had moved in heavy artillery and posted it strategically on the mountains. The Serbs even had a rocket unit on the Kozara Mountain. Those who controlled the main weapons were Serbs from Serbia proper and Knin. The Prijedor Brigade had been fighting in the Pakrac area and was nicknamed "The Wolves". There were also other "Wolves" from an area east of Prijedor. The Serbian military had started to be posted in the area two or three years back - "for training purposes", it was said.

244. Following the Serbian takeover in Prijedor, a number of Serbian driven

cars in the town had "The Wolves of Vukovar" written on them. In mid-May 1992, a number of Serbian trucks were observed in Kozarac. The head of a bull had been placed on the first truck. Attached to this truck was an inscription reading, "These are the Wolves of Vukovar" - the area of Vukovar in Croatia had by then been heavily ravaged. Locals interpreted this as intended to frighten them. As the weapons locally available were being collected by the Serbian army at the same time, the overall situation rendered the non-Serbian people with the feeling that they could do nothing. On occasion, Serbian aeroplanes were flying low over the roofs of private houses, scaring the dwellers and the local population at large even more.

245. The telephone lines were disconnected by the Serbs and so was the electricity supply. The area was surrounded by the Serbian army. No buses were in operation, and on 24 May 1992, the Serbs closed the main road traffic. Traffic between Prijedor and Banja Luka was then redirected via Tomašica and Omarska. On 24 May 1992, the air-raid alarm sounded.

246. Major Radmilo Zeljaja from the Krizni Štab Srpske Opštine Prijedor allegedly gave a delegation from the Kozarac civilian defence council an ultimatum either to sign a loyalty pledge to the Serbian self-appointed leaders (and hand over their weapons) or Kozarac would be attacked. The delegation asked for two days to consult with the population. The Serbian military attack followed.

247. Before the attack on the Kozarac area started on 24 May 1992, an announcement was made over Radio Prijedor that military forces with tanks were on their way from Banja Luka to Prijedor, and that if these were stopped, fire would be opened. Radio Prijedor insinuated that a barricade might exist near the village Jacupovići along the road - this, however, does not seem to have been the case. Simo Drljača later claimed that there had been both barricades (in the plural) and mines on the road, and that the Serbian army went to the Kozarac area to clear the road and remove the barricades.

248. Colonel Vladimir Arsić is said to have been the superior in charge of the Serbian military operation in the Kozarac area. Commander for the Serbian military in the field was allegedly Major Radmilo Zeljaja. Over the communication system, he allegedly instructed destruction of all Muslim property such as houses and mosques. The commander of the Serbian military police is identified, but his name is not disclosed for confidentiality or prosecutorial reasons. Also, a Serbian police commander from Prijedor, whose name is not disclosed for confidentiality or prosecutorial reasons, was one of the leaders of the attack. Major Slobodan Kuruzović was allegedly involved as a military leader and especially as coordinator of the subsequent deportation of the population.

249. Initially, the Kozarac area was subjected to heavy bombardment by artillery, coming possibly from eleven different places (like Benkovac on the Kozara Mountain, Topica Brdo - another mountain, and nearby Serbian-dominated villages such as Babići and Gornji Orlovci), and from tanks and smaller firearms. On 25 May 1992, after 24 hours of shelling and after approximately 5,600 grenades had fallen on the area, Serbian tanks and Serbian infantry moved in all at once with an estimated 3,600 people. Prior to this, civilians had, inter alia, observed that one of the villages outside of Kozarac was completely on fire. Panic had spread. The local population did not organize any real resistance; it was considered futile anyway. The Serbian military men came into the area like ants from all sides, as described by one female non-Serbian survivor.

250. In came regular soldiers, paramilitaries, Serbian TOs, and armed local Serbs, all of whom acted in a coordinated manner in the operation, to the

extent that people believed that all these Serbian armed entities were under one unified command. Some Serbian soldiers were wearing the five-pointed red star of the JNA on their caps and no other insignia. Other fighters carried various insignia of the "White Eagles of Knin", the like-sided cross with the four Cs above an eagle, or just an eagle on their camouflage uniforms. There were also armed Serbs from Banja Luka and Arkanovci.

251. Another paramilitary unit was the so-called "Gypsy Brigade" from Omarska. The leader of the group was Momčilo Radanović nicknamed "Cigo" (i.e. Gypsy). He was a taxi driver who fought in the war in Croatia. He is now said to be the Vice President of Opština Prijedor. During the attack by infantry and paramilitary units on the Kozarac area, the "Gypsy Brigade" apparently was one of the most cruel, committing massacres in the villages Alići, Softići, Brđani, and Jakupovići. He and his group are also ill-reputed for other alleged heinous acts against non-Serbs, for example, in the concentration camps Omarska and Keraterm.

252. Infantry and paramilitary troops went searching for people in every building. In some areas, like in Kozarac town, the incoming soldiers first went from house to house to ask the men to come out and assemble in front of the mosque. There the Serbs told their gathered congregation that in half an hour all women and children would have to gather as well; if not, the Serbian military would go from house to house and burn and pillage the entire area. In other areas - villages and hamlets - the latter was the first strategy.

253. When the first Serbian soldiers entered Kozarac town, they brought with them lists of names of people who were called forward and killed. These people were the politicians, influential people, police officers, and reserve police officers. Other intellectuals and prominent people from the Kozarac area were incarcerated in Logor Omarska and Logor Keraterm. Dušan Tadić, who was a local of Kozarac, was among those who allegedly had produced such death lists.

254. The police, approximately 35 people, from the Kozarac police station all gave themselves up after the shelling had stopped. They were reportedly executed en masse by gun fire in front of the primary school in Kozarac.

255. Information was sent over Radio Prijedor that everyone had to surrender voluntarily and with white flags. People followed the instruction and moved out, for example from Brđani, in a very long column of women and children. The Serbs fired more grenades as the column moved ahead, killing some women. The column passed by a number of Serbian TOs, who also killed some women and children at the roadside. As another column from another village walked along, a Serbian man from Serbia arrived and spoke to one of the local Serbian leaders saying that "This way we want to show you our gratefulness for what you did for us in Croatia!" Civilians were, moreover, allegedly taken out of the columns at random and killed on the roadside. Mock executions were also performed.

256. Extremists put civilians - women and children - in front of them and wanted to leave the area, that is why the civilians suffered casualties as the Serbs "never really killed women and children", as Simo Drljača explained afterwards.

257. Non-Serbs, who were enrolled in the TO but unarmed and without uniforms, were arrested if recognized and taken to police stations or military barracks for interrogation before they were incarcerated in concentration camps.

258. In contradistinction to what happened after the first attack on Hambarine (see Chapter VII.A. supra), the entire non-Serbian population from

the Kozarac area was herded out in the course of and after the Serbian military attack. Men were detained in Logor Omarska and Logor Keraterm, while children, women and the elderly were first taken to Logor Trnopolje and then deported out of Opština Prijedor. Due to the large numbers involved, some of the children, women and elderly men were at first temporarily housed in Prijedor town, and villages just outside of the attacked area. They were, however, soon gathered by the Serbs for deportation. People who at first had tried to seek shelter on the Kozara Mountain were sought out there or surrendered either to be killed or to follow in the footsteps of the rest of the civilian population to the concentration camps. Grenade bombardment had also been aimed at fleeing civilians. En route to the main concentration camps, some of the captives were detained over night in the Rade Kondic school in the Serbian-dominated village Radvjice.

259. A number of young Muslim women were reportedly sexually abused after being shepherded to Serbian military positions - such as the barracks on Benkovac, on the top of Mrakovica, in Hotel Mrakovica, in Bijele Vode on Mrakovica, and in Tito's Villa. The latter location was allegedly frequented especially by military superiors.

260. According to surviving witnesses, Serbian military subjected significant numbers of local non-Serbs to the most outrageous torture and extermination under extreme pain when clearing the Kozarac area of its non-Serbian population.

261. Just one example of summary executions: on 27 May 1992, eight elderly people, whose names are not disclosed for confidentiality or prosecutorial reasons, were shepherded into a cellar and massacred.

262. When asked later about how many civilians had died in the military operation in the Kozarac area, Serbian leaders related that it probably was many, but that they had no records.

263. Some claim that a total of 5,000 people were killed in the Kozarac area. One informant was taken back to Kozarac from one of the concentration camps in the area together with 39 other men to collect dead bodies. He himself counted 610 dead people, he stated.

264. The Serbian military attack on the area south of the Kozara Mountain afflicted, inter alia, the following Muslim and Croatian habitations: Alići, Brđani, Dera, Forići - Donji and Gornji, Hrnići, Jakupovići, Kamičani, Kevljani, Kenjari, Kozarac, Kozaruša, Mahmuljini, Mujanovići, Rajkovići, Rustići, Saleši, Softići, and Suhi Brod.

265. After the population had been ousted from the Kozarac area, all buildings were pillaged and everything else of value, such as vehicles and heavy equipment, were stolen by Serbs. A large number of homes, which had not been destroyed by artillery shells or set ablaze in the military attack, were blown up by the Serbs - one at the time from inside - destroying especially the inside and the roof.

266. Captain Milovan Milutinović, spokesperson of the Army SRBiH in Banja Luka, later explained to visitors that:

> "In Kozarac, there was a really big group of extremists. They were refusing any kind of negotiations about organizing community life. They resisted all attempts to find a peaceful solution or to disarm. So we answered energetically. Power does not pray to God. The majority of people were outsiders, from Kosovo, Sandzak and foreign mercenaries. There were some black people too. The

majority were financed by the Muslim organization in Zagreb, through financial and material means."

267. Simo Drljača ascertained that the reason why Kozarac subsequently did not look like it had been hit by war, but rather by systematic destruction, was that every house had a bunker and thus was destroyed (separately). He claimed that before this was done all Serbian houses had been burned, but provided no information to sustain that claim.

268. Later another school of thought seems to have developed and the Serbian administration both in Opština Prijedor and Opština Banja Luka started to inform visiting journalists that the Muslim population of Kozarac had left the town voluntarily - for economic reasons to better themselves elsewhere in Europe. At that time, Kozarac was deserted, except for a few Serb policemen and soldiers who had occupied the municipal building.

269. When a prisoner later was transported by Serbs through Kozarac, he was told by his Serbian guards that this was no more Kozarac, but "Radmilovo" after the commander Major Radmilo Zeljaja. Allegedly, the name "Radmilovo" was for some time written on a sign on the roadside replacing the sign announcing Kozarac. It is also reported that the area was referred to as "Radmirovac" after the conquest.

C. The attack on Prijedor town

270. One day after the people in Hambarine had been given an ultimatum (see Chapter VII.A. supra), an ultimatum was also issued to the non-Serbs in Prijedor town that every policeman and TO member in possession of weapons had to hand these over to the Serbs in the military barracks at Urije. Afraid that non-Serbian quarters could be bombarded like Hambarine had been, the weapons were handed over. This transfer of weapons was filmed by Television Banja Luka.

271. On about 20 May 1992, an identified Muslim, whose name is not disclosed for confidentiality or prosecutorial reasons, attacked a drunken Serbian soldier in the latter's car and stole his arms. "The Muslim" was about 40-years old, he was a drug-addict, and having a criminal record, he had spent some 20 years in prisons. He was arrested for the attack-cum-theft and brought to Banja Luka, but turned up again, surprisingly enough, in Prijedor only two days later.

272. Since about 10 May 1992, there had been a group of non-Serbs hiding on the Kurevo Mountain on the left bank of the Sana River. The group gathered more members by the day. The group had organized itself and was without linkage to any party or any military unit. Although the leader (whose name is not disclosed for confidentiality or prosecutorial reasons) was a Croat, he had been fighting together with the Serbs and against the Croats in the war in Croatia. Some non-Serbs believe that "the Muslim" during his brief detention in Banja Luka had agreed to collaborate with the Serbs. In any event, "the Muslim" approached the leader in the forest and convinced the latter that they ought to stage an attack on Prijedor town. "The Muslim" claimed that there were many well-armed Muslims, especially in Stari Grad (the Old Town) and the suburb Puharska who wanted an insurrection, but that they needed support from outside - the claim was ill-founded.

273. In the early morning of 30 May 1992, before 4:30 a.m., the "troops" of the leader and "the Muslim", probably not more than 150 men, attacked Prijedor town. These attackers were reportedly badly armed, having only guns and perhaps ten hand grenades. Twenty of the attackers had no weapons at all, but

joined in the hope that they might be able to obtain arms during the attack.

274. One Serbian version, as related by Simo Drljača, is that the attack on Prijedor town was organized by the Muslim political party, the SDA, under the leadership of Mirza Mujadžić, Hilmia Hopovac and Hasan Tulundžić. The attackers numbered 2,000 non-Serbs. They killed 11 Serbian policemen. There was fighting all around before the attackers withdrew to the mountains, where Drljača claimed that the Serbs were looking for them even months later. This account is not corroborated by any other available information.

275. As almost all Serbs deserted Stari Grad the night before the attack started on 30 May 1992, it seems likely that they had been alerted. This does not correspond with the proposition that the attack was a Muslim and Croatian attack on Serbs.

276. Special police units from Niš (in Serbia proper), which at the time were stationed in Banja Luka, Martićevci from Knin (in Croatia), and a unit with some 50 tanks and canons from Banja Luka participated on the Serbian side in the fighting. The mentioned groups came in addition to approximately 5,000 military men stationed in Prijedor after the destruction of the Kozarac area. Numerous Serbs from Prijedor town, moreover, participated in the fighting.

277. The "troops" of the leader and "the Muslim" apparently divided themselves into four smaller groups for their attack on the centre of Prijedor town from across the Sana River. All groups seem to have made their way through Stari Grad (the old part of Prijedor town) which is located on an island surrounded by the Sana River and a canal, two groups seeking to enter the town via the one bridge to the west and the two other groups fighting their way across one of the two eastern bridges each. The building used by the Serbian reserve officers is located just across one of the latter bridges, and nearby is also Hotel Prijedor. There was fighting on the eastern bridges and near the mentioned buildings and at the police headquarters which some from the leader's group entered.

278. As the attacking group received no support from people in Prijedor town, it was soon defeated by the Serbs. By 9:00 a.m. the same morning, the Serbs had regained total control. Some of the attackers were killed, some 40 were captured alive and brought to the concentration camps, the rest probably managed to flee across the river and back in the direction of the Kurevo Mountain. "The Muslim" seriously injured a Serbian military leader (whose name is not disclosed for confidentiality or prosecutorial reasons) who subsequently died from his injuries. A Serbian military unit later was named after him. "The Muslim" himself was killed after wounding the Serbian military leader. The leader of the non-Serb mountain group was captured alive and brought to Logor Omarska, where it is said that he later was killed.

279. People living in Prijedor town may have believed that any rebellion on their part would only have resulted in the town having suffered the same total devastation as Vukovar in Croatia previously had.

280. According to a different version, the attackers did not come from across the river but emerged from a butchery. It is believed that this is misinformation spread by the Serbs, as they killed particularly many civilian non-Serbs living in the quarter around the slaughterhouse.

281. In the early morning the same day, Radio Prijedor announced that "Green Berets", meaning Muslims, and Croatian "HOS troops" (Hrvatske Odbrambene Snage or the Croatian Defence Force, which is the military wing of the Croatian Party of Rights) had attacked the town. The town population was called upon to behave loyally to the Serbs - to stay at home and listen to the radio - the

Serbian army would very soon have solved the problem. The "announcement to the citizens" read over the radio also stated that the attack affected Stari Grad, the centre of the town and the quarters of Skela, Gomjenica, Puharska and Raškovac, for which reason the population there was endangered and would be evacuated by the Serbs. These people were to leave their houses to be brought to safe territory by Serbian buses.

282. As related by a non-Serbian woman who lived in Stari Grad, the Banja Luka Corps attacked Stari Grad with tanks starting at about 10:00 or 11:00 a.m., shelling the Muslim houses and the mosque. At 1:00 p.m., Četniks from Prijedor came to gather all the people in the area saying that they were to protect them from the "Green Berets" meaning the Muslim forces. The gathered people, who were all civilians, were transported to Logor Trnopolje (see Chapter VIII.C. infra). Arriving in this concentration camp on 30 May 1992, all the new arrivals were registered. Most of the women and children were released after some three days if they had relatives or others with whom they could stay elsewhere in Prijedor town - namely in the suburb Puharska. The civilians were not provided with food these first days in Logor Trnopolje. The men remained detained when the women and children were freed.

283. When the attack by the non-Serb mountain group was still on, the Serbs had started artillery bombardment of some quarters in Prijedor - Stari Grad, the suburb Skela and the vicinity of Muharem Suljanović Street. The bombardment of Stari Grad continued throughout the day and the next two days. After the fighting with the intruding non-Serbs had stopped as the latter had been defeated, the Serbs attacked one quarter after the other in Prijedor town and systematically forced out most of the non-Serbian inhabitants. On 31 May 1992, it was especially the parts of town known as Puharska and Čejreci/Raškovac which were targeted.

284. A non-Serbian man recounts:

> "On 30 May 1992 at 04.30 hours, it was raining and one could hear machine gun fire from Stari Grad and from up along the river in an easterly direction. It lasted for about an hour and a half. At about 07.00 hours he heard two tanks passing to the street of the JNA (which was a prominent street) from an area near the Sana River. He heard shots from rifles and tanks. The sirens had signalled that people were to seek shelter at about 06.00 hours. Radio Prijedor announced that an attack on Prijedor was imminent. There was a mortar attack on Stari Grad and the New Hotel, possibly from the direction of the airport at Urije. Infantry fire ceased to be heard, but mortar fire lasted until about 13.00 hours. Someone who lived on the ninth floor nearby Radio Prijedor said that tanks and soldiers attacked the radio building. Radio Prijedor was reporting that Ustašas and 'Green Berets' (i.e. Muslims) were the attackers, and the Serbs were called upon to take up arms to fight these enemies of the Serbian people. At 08.00 hours Radio Prijedor announced that the Army and the Serbian police were in full control but moving on to wipe out all the snipers in the town. He saw many soldiers on a main street nearby his house. Radio Prijedor also instructed all Croats and Muslims to hang a white piece of cloth outside their dwellings, and not to leave their homes.
>
> At approximately 13.00 hours detonations were getting closer to his home. People - men, women and children - some barefoot, mainly Muslims, came running from the neighbouring street. Then he escorted his wife and children over to a Serbian neighbour walking through his garden. His mother and two brothers lived on

> the ground floor. One minute later Serbian soldiers (JNA) came into the street. He watched this from the Serbian neighbour's house. Six or seven soldiers entered his garden and fired some shots. His brothers and mother came out of the house. His brothers were beaten with rifle butts, they were commanded to kneel down and hold their hands up behind their necks, the same fate befell also two other Muslims and one Croat plus three more men. All the men who had fled into the street where he lived, were also ordered to take up the same kneeling position, women and children were lined up in a row. A military car arrived. Four identified Serbs [whose names are not disclosed for confidentiality or prosecutorial reasons] came out of their houses and joined the Serbian fighting forces. In passing the kneeling non-Serbian males the Serbs kicked them so that they fell over. Later the 'captives' were ordered to stand up and move towards the radio building, one among them was an identified man almost 90-years old [whose name is not disclosed for confidentiality or prosecutorial reasons]. In the Ilije Bursaća Street an identified man [whose name is not disclosed for confidentiality or prosecutorial reasons] was shot dead in his garden when the Serbs asked him where his children were and he answered that one of them was married in Zagreb. From the area of Radio Prijedor the subdued men were loaded on buses and taken to Logor Omarska. Approximately ten people who had been killed by the Serbs were left outside of the radio station, among them were seven identified men [whose names are not disclosed for confidentiality or prosecutorial reasons]. Women and children were transported from the area of the radio station to Logor Trnopolje."

285. On the other side of the Sana River, in the suburb Tukovi where all three ethnic groups lived together, people woke up to see armed men in the intersection where the roads take off to Ljubija and Sanski Most. Since World War II, the Serbs have counted for the majority of the population in Tukovi (i.e. they have at least been the largest of the ethnic groups). The armed men were Serbs. All were in uniforms, some in the uniform of the army, others in camouflage uniforms, some having the Red Star emblem some the Četnik insignia - some were known locally, others were new faces. The people living in Tukovi were surrounded by the Serbian military and they could not leave the area or even their houses. People learned, moreover, from Radio Prijedor the order for the non-Serbs to hang out a white flag. When the non-Serbs had done what they had been instructed to do, their houses were ransacked - people knew who lived where anyhow.

286. All over the town, Serbian military claimed that they were looking for weapons among the non-Serbs. They looted many houses at the same time. They went on like this for about one week. During this time, they hit some people. In general, they attacked people both physically and psychologically. Some of the pre-World War II Serbian inhabitants in Tukovi assisted non-Serbs in the area so that these people were spared from the "ethnic cleansing" - it was an exception that an area was spared like this.

287. At the intersection of Partizanska Street and JNA Street, there was a bakery. All Croatian and Muslim men living in that area were gathered outside the bakery. Women and children were shepherded into a house vis-à-vis and were not allowed to look at the area where the men were. This was at about 8:00 a.m. At about 10:00 a.m., the women and children were transported to Logor Trnopolje, as they left there were allegedly some 30-35 dead non-Serbian men laying in a heap outside of the bakery.

288. On the outskirts of the city, at Pečani near the stadium, there was

reportedly another heap with some 20 dead non-Serbian men.

289. In all the targeted areas, the same happened - everyone had to get out of their houses and men and women were separated. The adult males were brought to concentration camps to be detained there. The women, children, and elderly men were transported to Logor Trnopolje - some to be deported out of Opština Prijedor more or less immediately, others to be temporarily released after some days. In Prijedor town, Stari Grad and adjacent areas were "ethnically cleansed" first, that is already on 30 May 1992. Other parts of the town were "cleansed" in raids or in connection with ransacking the following days. As Serbs spotted non-Serbs, they could report on them to have them arrested.

290. The fate befalling non-Serbs when apprehended was often violent. Just one example: one survivor from the area relates that an identified Serb commander of a so-called intervention unit (see Chapter XII.A. infra) (his name is not disclosed for confidentiality or prosecutorial reasons), in June 1992, had come together with three or four other Serbian soldiers to arrest four brothers in their home in the suburb Tukovi. When their mother started to weep because she did not want her sons to be arrested, the Serb commander of the so-called intervention unit shot dead both the mother and her four sons (the names of the five victims are not disclosed for confidentiality or prosecutorial reasons).

291. On 20 July 1992, a commission was established in Prijedor town by the executive committee of the Opština. Allegedly, it was the task of the commission to provide expert opinions concerning the restoration or the demolition of buildings in different quarters of the town. The buildings in question were especially to be found in Stari Grad, and the streets most heavily damaged during the attack on Prijedor town. Ostensibly, the commission was to revive a town planning project dating back to 1987, according to which a number of buildings had to be demolished. The experts were to advise on whether renovation of a building was still possible, or whether it was inevitable that the building be razed. The real purpose of the commission seems to have been to give a justification to the public why entire quarters of the town - Stari Grad in particular - were to be flattened after these quarters had been captured following their Muslim and Croatian inhabitants having been killed, deported or expelled. One indication of this being the purpose was the fact that the whole of Stari Grad (save for three houses used for military purposes) was levelled when the commission was still working on its recommendations concerning the houses there. The expert commission by then had completed its work concerning about 100 buildings, recommending that 20-30 buildings be renovated. The latter buildings were, however, demolished as well. Some 20 new buildings in Stari Grad - which had been built in a traditional Muslim style - were also torn down. If a building belonging to a Serb was flattened, the owner was granted compensation. No compensation was offered to Muslims or Croats.

292. Attractive housing facilities, which had belonged to purged non-Serbs and which were not demolished, were taken over by Serbs.

D. The attack on villages on the left bank of the Sana River

293. Starting on 20 July 1992, a larger area of predominantly non-Serbian villages on the left bank of the Sana River (the larger Hambarine/Ljubija area) was attacked in a similar manner as the Kozarac area (see Chapter VII.B. supra). Here, however, it was predominantly Serbian infantry - paramilitary groups included - who performed the destruction. Artillery was not used to the same extent as in the Kozarac area. At the time of the attack, the areas

had a population of close to 20,000 non-Serbian people, including people who had come for shelter after their villages to the west of Opština Prijedor had been assailed.

294. On 19 July 1992, the Serbs rounded up non-Serbs in Ljubija filling four buses. The passengers in one bus were adult males, some of whom were brought to the police station in Prijedor town and the others to Logor Keraterm. The three other buses held children, women, and elderly men. These buses passed Logor Trnopolje and continued straight to the Travnik area deporting the passengers (see Chapter X.C. infra).

295. In the beginning of July 1992, after the inhabitants in the neighbouring villages of Biščani and Rizvanovići had handed over their weapons, but before the village was attacked, a number of Serbian soldiers from the JNA came to Rizvanovići and plundered the area. The soldiers, inter alia, demanded that the villagers hand over calves and lambs. On 19 July at about 3:00 p.m., a quarrel erupted between some Serbian soldiers and/or policemen. There was a truck parked in Rizvanovići which belonged to someone in Hambarine (see Chapter VII.A. supra). The Serbs asked the local administration to get the key to the truck. Thence, the Serbs started to argue about who was to have the loot. One Serb was shot dead, it is said, by another Serb in the argument. The dead was an identified Serb from the district, whose name is not disclosed for confidentiality or prosecutorial reasons. The other Serbs brought the dead over to the checkpoint at Biščani and accused the "Green Berets", i.e. Muslim fundamentalists, of having killed the Serb. The Serbs then abducted ten old men from Rizvanovići as hostages to a camp in Ljubija. The villagers were given an ultimatum to name the non-Serbian perpetrator who the Serbs claimed had killed the Serb, and to hand over their arms. Neither alternative was possible as there was no such perpetrator and no more arms to be relinquished.

296. Subsequently, the area was bombarded with grenades from the surrounding heights. The villages there are situated in a kind of depression and were bombarded from positions at Karan, Spalanciste, Volar or Topica Brdo. On 20 July 1992, at about 6:00 a.m. the bombardment stopped. On the radio, it was announced that none in the area were to leave their houses as imminent searches were to be expected.

297. At about the same time, the army - one personnel carrier and several lorries - came to the intersection next to the gas station in Tukovi. An identified army commander, whose name is not disclosed for confidentiality or prosecutorial reasons, read out some kind of a command to the soldiers and they split up - some going to Sredice and Biščani, others to Hambarine. Another group of soldiers went to Hegić. Other groups of Serbian military were apparently coming in from other directions simultaneously.

298. When the Serbian forces arrived at Sredice, all the villagers were ordered to leave their houses. Women and men were separated. Children and elderly men were incorporated in the women's group. Men were gathered in the intersections of the roads in the area, where most of the men killed were reportedly executed. Women, children, and elderly men from 10-12 houses were herded into one house. In the wake of the Serbian military assault, buses came to bring the men who had not been killed to Logor Keraterm and Logor Omarska. Hall No. 3 in Keraterm had been emptied to receive them (see Chapter VIII.B. infra). The women and children were kept overnight in the houses where they first had been gathered before they were taken to the new athletic field in Tukovi.

299. A small village further to the west, Hadžići, was not attacked that same day and some men from the village were gathered by the Serbs to collect dead

bodies. Allegedly, they picked up about 30 dead people in Hegić, and from the intersection between Bišćani and Rizvanovići some 40 dead. They were ordered not to move far away from the roads. In Kadirici, they found 12 dead bodies partly covered by soil. In Durtović, there was a larger group of dead people but their number is unknown. They used three or four days to collect dead people. Altogether, including the above-mentioned corpses, it was eight truck-loads of dead people. The women and children were brought to the stadium on 21 and 22 July 1992. In passing, they could see many of the corpses.

300. Every non-Serbian village and hamlet on the western bank of the Sana River was now visited and house by house destroyed by the Serbs, including regular army personnel, paramilitary fighters, police, and armed local Serbs. Almost all non-Serbian males were beaten before being killed or thrown into buses. One bus with male prisoners, for whom no room could be found in Logor Keraterm or Logor Omarska, was parked in an open field. Some 20 Serbian soldiers reportedly surrounded the bus and the prisoners were ordered to get out and leave the place. As they were leaving, almost all of them were shot dead (see Chapter VIII.E. infra). Some people could observe some of this from nearby houses; for others, the firing was within earshot, and some of these listeners later went to see what had happened. There were some holes in the sandy ground in the area, but the executed prisoners were left behind in the open.

301. In July 1992, some 40 prisoners from Bišćani were killed in Logor Omarska, according to other camp inmates. It was gruesome. The prisoners from Bišćani cried out in agony as they were pulled out of the bus and thrown head first against a brick wall. Their heads were allegedly smashed into the wall for each of them to "dig" out a five centimetres deep hole, the Serbian perpetrators announced.

302. After the attack on the Hambarine area in July 1992, women and children were detained at the stadium near Tukovi before being deported. Others were held captive - often for several days - in the athletic field in Ljubija before internment in camps and deportation.

303. Very hard hit in this major Serbian military attack on villages on the left bank of the Sana River were, among others, the villages Bišćani, Čarakovo, Rizvanovići, Sredice, and Zekovi. A total of more than 1,500 people were allegedly killed on 20 July 1992 alone. The mass killings in Čarakovo first started on 23 July.

304. In Sredice and Rizvanovići, for example, the Serbian infantry, paramilitary soldiers, and other Serbs with them reportedly went from house to house mutilating, killing, and deporting the inhabitants and other civilians having sought shelter there (refugees from Opština Bosanski Novi and fugitives from the previous attack on Hambarine, see Chapter VII.A. supra). Within a few days, no living beings were left in the villages, but in numerous places there were piles of dead men - often fathers and sons together. Many of the dead bodies are said to have been terribly mutilated, 15 dead persons had been chained together, many smaller piles contained approximately 10 dead bodies each. Smaller piles were found even on the doorsteps of private homes, larger ones were in more central locations. In front of one particular house, in a sand pit, there was a relatively larger pile. From here, the Serbs had intended to take numerous captive non-Serbs by bus for detention. But, as the bus was totally overcrowded, it is claimed that the Serbs forced almost half of the passengers to leave the bus and executed them on the spot.

305. Čarakovo was encircled on 23 July 1992 at about 3:00 a.m. by Serbs coming in from all directions, not only from the main road along the Sana

River. The majority of the Serbs were wearing the uniform of the Serbian army. Some were dressed in the light-blue uniform of the reserve police. Some of those in the army uniform in addition wore red ribbons and red berets. It was believed that the latter belonged to the Martićevci - among them were Serbs from neighbouring villages. Some soldiers were wearing white ribbons on their shoulders - they may have been White Eagles. All around were the sounds of bombs and grenades exploding and machine gun fire. Some of the Serbs gave commands such as "Burn down!" and "Kill!". It was like a hunt, as one survivor recounts, in which also the nearby forest was searched for non-Serbs. Hundreds of people were killed - shot, burnt alive, beaten or tortured to death in other ways.

306. The Serbs were also looking for some civilians such as the leader of the Muslim political party, the SDA, in Prijedor (see Chapters VI.A. and VII.C. supra), and the party's secretary (see Chapter VII.C. supra). In Čaracovo, there was a very large family with a name similar to that of the SDA leader. The Serbs mixed up this name with the family name of the SDA leader and for this reason allegedly killed every member of that family which they could find. Two elderly non-Serbs from the area registered 268 people whom they knew by name, killed in Čarakovo on 23 and 24 July 1992. On their list are 31 identified persons with the surname of the family mistaken for that of the SDA leader (their names are not disclosed for confidentiality or prosecutorial reasons). Reportedly, a total of approximately 100 members of this family were exterminated during the attack. There is also a hamlet named Hopovći in the area, where people had the same family name as the SDA secretary. The elderly men have 19 identified persons with this name on their list (their names are not disclosed for confidentiality or prosecutorial reasons). The SDA secretary is not on the list. On the list there are, however, other large family groups included, such as 29 people sharing a common family name. Altogether there are only 30 surnames on the list, save for an identified murdered imam (whose first name is not disclosed for confidentiality or prosecutorial reasons) whose surname was unknown to the two elderly men.

307. In the settlement Donja Mahala, some 50 women were gathered and allegedly raped.

308. There is information to indicate that altogether more than 760 people were killed in the onslaught on Čarakovo. According to the 1981 census, Čarakovo then had 2,263 inhabitants. A number of non-Serbs who had managed to run away when their villages in the area were attacked the previous days may have been caught in Čarakovo.

309. It is claimed that young women from, inter alia, the villages Gornja Ravska, Gornji Volar, Stara Rijeka and Šurkovac together with young women from other districts were detained and sexually abused by Serbian military in Korčanica Motel. It is claimed that they were abused to "give birth to better and more beautiful Serbs". Among the high ranking Serbian military named as rapists and/or organizers of these sexual orgies are two identified members of the Krizni Štab Srpske Opštine Prijedor, whose names are not disclosed for confidentiality or prosecutorial reasons.

310. Other registered killings committed allegedly by Serbs of named non-Serbs in their place of residence and non-Serbian residents from the same areas killed in (a few missing from) Logor Keraterm and Logor Omarska are, to give but a few examples, from villages not mentioned specifically above:

(a) Briševo: 34 persons killed on 24 July 1992; 16 persons killed on 25 July 1992; two other persons killed in July 1992; one person killed on 14 September 1992; in Logor Keraterm - one person killed in June/July 1992; in Logor Omarska - five persons killed in June-August 1992;

(b) Donja Ljubija: six persons killed on 26 May 1992; one person killed in June 1992; in Logor Keraterm - one person killed in June 1992; in Logor Omarska - three persons killed in June-August 1992;

(c) Gornja Ljubija: five persons killed in June 1992; in Logor Keraterm - one person killed in June 1992; in Logor Omarska - one person killed in July 1992, two persons killed on 5 August 1992, ten other persons killed in June-August 1992, three persons missing (probably killed) since June-August 1992;

(d) Gornja Ravska: two persons killed July 1992; two persons killed on 7-8 September (or November) 1992 (one being a Catholic parish priest); in Logor Omarska - two persons killed in June/July 1992;

(e) Gornji Volar: four persons killed on 12-13 September 1992; one person killed on 31 December 1992; two other persons killed in 1992; two persons killed on 22-23 April 1993; in Logor Omarska - one person missing (probably killed) since 21 August 1992;

(f) Ljeskare: one person killed on 16 June 1992; one other person killed in 1992;

(g) Raljaš: two persons killed in July 1992; in Logor Omarska - one person killed on 5 August 1992, one other person killed in June-August 1992;

(h) Stara Rijeka: 12 persons killed on 24 July 1992; one other person killed in July 1992; two persons killed in August 1992; one other person killed in 1992; one person killed on 8 March 1993; in Logor Omarska - one person killed in June-August 1992; in Logor Krings (a concentration camp established on the premises of what had previously been a cement block factory in the city of Sanski Most, Opština Sanski Most) - two persons killed in June-August 1992;

(i) Šurkovac: in Logor Omarska - one person killed on 15 July 1992;

(j) Žune: two persons killed in August 1992; three persons killed in September 1992; in Logor Keraterm - one person killed in June 1992; in Logor Omarska - three persons killed in June-August 1992.

Names of victims are not disclosed for confidentiality or prosecutorial reasons.

311. There are also allegations of, inter alia, the following executions:

312. In Redak (strip mines, part of the Ljubija iron ore mines, but south of Ljubija) on approximately 1 August 1992, more than 200 Muslim civilians were killed. The Muslim civilians had been arrested in the village of Miska Glava where they had sought refuge from the Serbian attacks on the villages Bišćani, Rizvanovići, Hambarine, and Čarakovo.

313. In Lisina (a part of the Kurevo forest, approximately two kilometres south-east of Ljubija), between 20 and 25 July 1992, between 70 and 100 Muslim civilians were killed.

314. Near the hamlet of Volarić (in the village of Šurkovac, approximately two kilometres north of Ljubija) nine civilian Gypsies were killed.

315. At the Prijedor-Donji Volar and Jugovci-Cikote crossroad, called Trzna (approximately eight kilometres north-east of Ljubija) at the end of July 1992, between 100 and 120 Muslim civilians from the village of Jugovci were

killed.

316. In the area of Prijedorsko Polje, next to the left bank of the Sana River (close to the villages of Biščani and Rizvanovići) at a place known as Bajeri (gravel pits, approximately 8 kilometres north-east of Ljubija) in the period from May to August 1992, more than 100 non-Serbian civilians from the Prijedor area were killed.

317. Like the attack on the Kozarac area (see Chapter VII.B. _supra_), the Serbian attack on the villages on the left bank of the Sana River was aimed at the total subjugation of the non-Serbs. They were no longer (like in the first attack on Hambarine, see Chapter VII.A. _supra_) given a possibility de facto to seek shelter in nearby villages (which in any event would have been difficult at this time when all non-Serbian villages and hamlets in the area were targeted).

318. When this larger Hambarine/Ljubija area was targeted, the pressure on both detention facilities and means of deportation reached a peak, as it had two months earlier, in late May 1992, when first the Kozarac area and then, in part, Prijedor town had been "ethnically cleansed". Thus there were also improvised detention facilities made in the Ljubija iron ore mine. In the central mining area, it is claimed that the main separator was used temporarily to incarcerate prisoners. Also other areas which could relatively easily be guarded may have been used - possibly also some of the open pits. _Logor_ Ciglane is mentioned in this context; it may have held at least up to 1,000 prisoners at the time. Limited numbers of captives from the southernmost parts of the Ljubija area were moved south for detention in _Opština_ Sanski Most (from where a number of the Serbian armed forces participating in the attack had come).

319. After the non-Serbs had been ousted from the area, their property was pillaged and many buildings were destroyed.

E. General characteristics

320. The main target of all the Serbian military attacks has been the non-Serbian peoples in _Opština_ Prijedor and not installations and positions of strategic importance.

321. Over _Radio Prijedor_, the Serbs also demanded that the Muslims and Croats living in areas with mixed ethnic populations of Serbs and non-Serbs should mark their housing by hanging out a white flag, and identify themselves by wearing white armbands when they moved outdoors as a sign of surrender. This applied for some time.

322. In early June 1992, all non-Serbs in Prijedor were ordered to wear white armbands when they went outdoors. During World War II, in comparison the Nazi regime in Belgrade legislated that all Jews were to wear yellow armbands.

323. The Serb taking over the position as editor-in-chief of _Radio Prijedor_ was Zoran Baroš. In Prijedor town, women, children, and elderly men were detained for deportation in the sports hall at the high school after the attack on the Kozarac area. Zoran Baroš was removed from his position as editor-in-chief of _Radio Prijedor_ after he had permitted Muslims to use the radio to trace missing family members after the Serbian attacks had started and the first non-Serbs had been taken into detention at the high school.

324. Notably all involvement by paramilitary and irregular units were fully synchronized with the efforts of the regular Serbian armed forces, and can

have been nothing but well-coordinated, the regular army being in charge. One reason for this conclusion is that all the major Serbian military operations started with heavy artillery barrages or the use of tanks as operated by the regular army, and were immediately followed by the onslaught of paramilitary and irregular units working in tandem with regular army infantry. There is, moreover, not one single report to the effect that there was ever a paramilitary or irregular unit working to obstruct or even slightly hinder the objectives of the regular army. The same reportedly has been the case when individual Serbs from the neighbourhood or elsewhere have participated in the attacks.

325. There were, of course, a number of non-Serbs who managed to run into hiding on the mountains, in the forests, and even in adjacent villages when their homes were attacked. However, given the overall situation in and isolation of Opština Prijedor, that was in the vast majority of cases only a temporary escape from the oppression. The forests and mountains were searched meticulously by the Serbian military and all their different Serbian collaborators - often with the understanding that any living being caught was to be killed. Non-Serbs in hiding tempered a difficult time in the forests and on the mountains - although it was summer and reasonable temperatures, on the average, for outdoor life - people were not accustomed to foraging for food. Some of the people in the forests and on the mountains tried more or less immediately to return to their home areas as the military attacks seemed to be over. Others preferred the relative security of the uninhabited areas until the scavenging for food became rather unbearable or medical problems called for assistance. When leaving the mountains and forests the non-Serbs tried to return to inhabited or former inhabited areas, sometimes with the hope of blending into a not too unfriendly environment, sometimes knowing that they would have to surrender immediately. In hamlets, villages, and towns, there were, every once in a while, round-ups of non-Serbs, or non-Serbian individuals being reported on by supporters of the new Serbian-dominated system.

326. It is extremely difficult to have any precise idea of the number of non-Serbs who perished in the Serbian military attacks and later when detained by the Serbs. There are, however, general characteristics of the overall situation that give some indications. After the military attacks, the Serbs had a consistent practice of singling out the surviving non-Serbian males from 16 to 60-years old (sometimes even younger boys and men up to the age of 65) and incarcerating them in the two concentration camps - Logor Omarska and Logor Keraterm. Significant numbers (the exact figure is unknown) of these men were killed after they had been gathered and before the rest boarded buses. Others were killed literally en route to a concentration camp. Save for very limited numbers of men who were able to flee Opština Prijedor, for example, by bribing their way out - the vast majority of the non-Serbian male population suffered the above-mentioned fate.

327. Today, a total of some 9,000 non-Serbs remain in Opština Prijedor (see Chapter XIII.G. infra). One fourth of the population is in the age group 0 to 15-years old in most Western countries. In developing countries, the ratio is up to one to three of the total. According to the 1991 census, the total population in Opština Prijedor was 112,470 - the Serbs counted for 47,745 and the non-Serbs were 64,725. Considering that approximately half of the latter group (some 32,000 people) probably were males, a breakdown in age groups will give a rough idea about how many men between 16 and 60 years there were in the first place, even without including those who had fled into the area after Opština Bosanski Novi was purged. It is recalled that the surrounding districts - Opština Bosanski Novi, Opština Bosanska Dubica, and Opština Banja Luka - had Serbian majority populations already prior to the difficulties started in Opština Prijedor. Opština Sanski Most saw the non-Serbs

"ethnically cleansed" at about the same time as it happened in the district of Prijedor. There was, in other words, no safe haven nearby to which the non-Serbs in Opština Prijedor could have recourse. Comparing the total group of non-Serbian men in the age groups taken to the concentration camps Omarska and Keraterm, and the number of male prisoners released from there (see Chapter XII. infra), a high fatality rate is indicated and the overall picture of males in these age groups exterminated is at best bleak.

328. Questioned by a foreign visitor about how many people had been killed in the Serbian military operations in the region, Mićo Kovačević from the Krizni Štab Srpske Opštine Prijedor reportedly replied that:

> "It is in the thousands. If you want this [exactly] you have to make it up yourself."

F. The disposal of the dead

329. In the village Sivci (south of Kozarac), at least 45 non-Serbian people, possibly as many as 120, were killed by uniformed Serbian soldiers wearing caps with the Četnik insignia. The dead were buried at the village cemetery, four or five in each grave. A cemetery in the nearby village of Hrnići was probably also used. Some corpses were interred in the meadows as people came across them. After the Serbian military attacks, it seems that a number of the dead were buried by survivors almost wherever it was feasible under the circumstances: at graveyards, in gardens, along roads, in fields and meadows, in the woods and on the mountains.

330. On 5 November 1992, it is claimed that in the immediate vicinity of Ljeskare village, in a area known as Dubočaj, at the foot of the Ljubijica Mountain, Serbs were burning the remains of people killed between 20 and 25 July 1992 in the part of the Kurevo forest located east of Ljubija. Serbian police sealed off the area of Dubočaj at the time, among them was one identified police officer from Ljubija whose name is not disclosed for confidentiality or prosecutorial reasons. The odour was carried by the wind and could be smelled kilometres away.

331. In the Borik forest north of Čarakovo, a survivor claims that he, his father and his uncle buried 370 people in small graves with five to 10 dead people in each. When the Serbs launched their military attack on the villages on the left bank of the Sana River, many villagers from neighbouring villages sought shelter in both Čarakovo and the Borik forest. When the Serbian soldiers attacked Čarakovo, it is claimed that they killed a minimum of 760 and probably an even higher number of non-Serbs. The Serbian forces also searched the forest for fugitives, allegedly killing all human beings they came across.

332. Serbian soldiers have reportedly said that after the destruction of the villages on the left bank of the Sana River, non-Serbian survivors were transported by buses and trucks to locations which belonged to the iron ore mine, where they were executed by shooting, and thence buried with the use of construction machinery from the mine. Non-Serbs, first shepherded into mine pits, may have been among those thus exterminated and interred. According to the Serbian soldiers, some kind of powdery substance was put on top of the bodies to accelerate the decomposition process.

333. Some dead bodies may have been discarded in abandoned mine shafts.

334. Some days after the attack on the villages on the left bank of the Sana River started, there was an announcement on Radio Prijedor that people in

Prijedor town should stay away from the area behind the Soše Mažar Street for a certain time. People did, however, observe five (there may have been more) trucks with dead bodies coming across the Sana River (from its left bank) and turning down the Partizanska Street towards the mine in Tomašica. Blood stained the passage route for days. The dead bodies were supposedly disposed of or destroyed in Tomašica.

335. From 1 to 12 July 1993, Serbian police blocked the Svoznica Road which connects Ljubija to villages to the south (such as Stara Rijeka) and which in part passes through the Ljubija iron ore strip mines. In this period, underground explosions (making houses quake kilometres away) and the motors of heavy mining equipment could be heard around the clock. As the road was reopened to traffic, passers by noticed that areas where mass graves were known to have been located, were dug up and filled in with fresh soil and gravel. It is claimed that the Serbs had removed the remains of people who had been buried here during the months of July and August 1992, and taken the remains in the direction of Prijedor possibly to the Tomašica iron ore mine where there are machines, inter alia, for grinding iron ore.

336. As illustrated by the above examples, the dead non-Serbs may have been disposed of in many different areas - varying from the odd locations almost anywhere to the regular graveyards to large-scale burials on the estates of Rudnika Ljubija (see Chapter II.D. supra; see also Annex X, Mass Graves).

VIII. THE CONCENTRATION CAMPS

337. After the Serbs took power on 30 April 1992, they opened three concentration camps in Opština Prijedor. No concentration camps had existed in Opština Prijedor at the time of the Serbian takeover, or for that matter, in the region since World War II. Two of the concentration camps were de facto death camps - Logor Omarska and Logor Keraterm. The third - Logor Trnopolje - had another purpose as it functioned as a staging area for massive deportations of primarily women, children, and elderly men (see Chapter X.A. infra). Whereas the death camps were under the authority of the Serbian military and the Serbian police, Logor Trnopolje had more of a civilian image, notably with the local Serbian Red Cross having a pivotal function.

338. Throughout this analysis the word logor, which in translation means just camp, is used. The reason is that the word "camp" in the English language is associated with everything and anything from leisure to rigour. Using the term "logor" is intended to link these institutions to their inhumane characteristics, as described below.

339. Special mention ought to be made of the fact that the United Nations Commission of Experts, as represented by Chairman M. Cherif Bassiouni, prepared a separate report on camps and detention facilities with analysis of, inter alia, Omarska, Keraterm and Trnopolje (see Annex VIII, Prison Camps).

A. Logor Omarska

340. A Serbian guard in Logor Omarska told (before 29 June 1992) a friend outside the camp that:

> "Interned here are reportedly Prijedor elite from before the Serbian take-over of government control: The President of the Council (Mayor), Members of the Executive Council, The President of the Court, two judges, doctors, presidents and directors of firms, owners of private factories and businesses."

341. The informant asked the Serbian guard, his friend, if the Serbs were going to kill the people.

> "Oh no, we will not waste our bullets on them. They have no roof, there is sun and rain, cold nights, beatings twice a day, we give them no food and water. They will starve like animals."

342. Numerous leading Muslim and Croatian citizens had notably been immediately targeted for extermination when still in their homes, towns or villages.

343. Among the prominent citizens of Prijedor who had survived the initial phase of the devastation and were detained in Omarska, are long lists of identified persons whose names are not disclosed for confidentiality or prosecutorial reasons. Among them were (to mention but some): the mayor; politicians from the SDA and the HDZ in Prijedor; an imam; judges and lawyers; employees from the military and civilian sectors; a veterinarian, a physiotherapist, a dentist, and a number of medical doctors; an engineer and some economists; headmasters and teachers from schools at different levels; journalists and an editor of Radio Prijedor and of Kozarski Vjesnik; an author and an actor; directors and members of the Rudnika Ljubija management board; directors and managers of Bosnamontaža, Kozaraturist, Celpak, and the biscuit factory Mira Cikota; the director and the secretary of the Prijedor Red Cross, the president of Merhamet (the Muslim charity organization) in Prijedor; restaurant owners, business men and entrepreneurs; leaders of sports clubs and football players.

344. In Logor Omarska (and in part for reasons of space in Logor Keraterm), the Serbs detained almost the entire non-Serbian elite - including political and administrative leaders, religious leaders, academics and intellectuals, business leaders, and others. In addition to the judges and lawyers, all other segments of the non-Serbian law-enforcement personnel, policemen in particular, were incarcerated. Media people, artists and sports men - all the groups of people who in their different fields led and influenced the non-Serbian populace, were incarcerated. The leaders of the voluntary agencies - such as the local Red Cross and Merhamet - endured the same fate.

345. Thirty-seven women were among the captured brought to Logor Omarska. There were 36 non-Serbian women in leading positions and/or politically active. One of the first women arriving at the camp recounts that:

> "After she was first arrested and interrogated she was moved on to a prison cell in Prijedor where she was together with one other woman [whose name is not disclosed for confidentiality or prosecutorial reasons]. The latter was a teacher and politically active, she was later most probably killed in Logor Omarska. The next day the two women together with three men were taken in a car (from which they could not look out) via Tomašica to Omarska, where they arrived at approximately 17.00 hours. In Logor Omarska they were commanded to stand up along a wall, facing the wall, with their hands up with three fingers lifted (in the originally Serbian religious way to signify the Holy Trinity) and thoroughly bodily searched, then the chief of the guards arrived. He started to swear as there were two women, and said he had no room for women. He asked what he should do with them. The women were subsequently taken to a prison in Omarska village. The women were detained in a small cell with no air and no electricity, the only thing they were provided with was a bucket. They remained in this cell over night. Thence they were taken back to Logor Omarska. In Logor Omarska a Croatian woman arrived, she worked in the

> postal service. This woman threatened with hunger strike and thus was temporarily released, but was returned again to the camp later."

346. One Serbian woman, whose name is not disclosed for confidentiality or prosecutorial reasons, was arrested reportedly because her late husband was Croatian. She was, however, released from the camp.

347. Simo Drljača, chief of the Serbian secret police in Prijedor and member of the Krizni Štab Srpske Opštine Prijedor, later told a foreign visitor to Prijedor that Logor Omarska opened on 27 May 1992 when 700 prisoners were detained there. At this time, Logor Keraterm was already operational, and there is information to indicate that a number of individual prisoners or smaller groups of prisoners may have arrived at the camp from at least 25 May 1992. Several survivors report that the camp leadership was not fully on top of the situation the very first days when there were prisoners in the camp. There may even have been some initial confusion among the Serbs concerning, for example, how to treat female detainees and concerning who was who (one early detainee may, as described infra, have just walked out of the camp and back into freedom, passing as a Serb).

348. It is very difficult to estimate the exact number of prisoners who were detained in Logor Omarska, both in total and at any given time. The number varied over time as new prisoners were moved in, especially in the wake of the major Serbian military operations, but more or less continuously due to individual arrests and smaller round-ups. On 15 June 1992, there were reportedly 2,736 plates used by camp inmates, each detainee having utilized one plate. In late July 1992, before the emptying of the camp into other camps started, there may have been approximately 3,000 camp inmates. The estimated total number of inmates to have been in the camp also varies considerably. Some estimate that there may have been a total of 5,000 prisoners, others believe that it may have been closer to 7,000. Under these circumstances, it is even more difficult to make any approximation concerning prisoners directly or indirectly killed in the camp - according to Serbian leaders there were only two prisoners in the camp who died from natural causes.

349. It is, however, possible to establish with a relatively high degree of certainty the total number of males in the relevant age groups in Opština Prijedor (see Chapter VII.E. supra). The fate of this group was, save for the limited numbers still remaining in the district (see Chapter XIII.G. infra), death outside of camps or detention in Logor Omarska or Logor Keraterm - a very limited number may have been taken into other camps primarily, at least initially, in the district of Sanski Most. The exact number of people included in each group, thus, is less relevant to appreciate the true character of the catastrophe which the Serbs brought about for the non-Serbs in Opština Prijedor.

350. Serbian leaders have made some statements relevant to the questions of numbers. Simo Drljača, chief of the Serbian secret police and member of the Krizni Štab Srpske Opštine Prijedor, was asked about the numbers of prisoners, their crimes, and fate by journalist Roy Gutman who reports from that encounter that:

> "Drljača, . . . , said 3,334 people were arrested on suspicion of resisting or plotting against the new Serb authorities and were taken to Omarska. Drljača insisted that no one had been killed at Omarska and that only two prisoners died between May 25 and mid-August, both of 'natural causes'. Another 49 'disappeared', including the former lord mayor of Prijedor . . . and were

> presumed dead, Drljača said.
>
> In the official version, detainees were interrogated for four days and shipped out. Drljača said 800 detainees who were alleged to have 'organized the whole thing,' among them rich Muslims who financed the Muslim SDA political party, were taken to Manjača, which was operated by the Bosnian Serb army as a prisoner-of-war camp, to await criminal trial. Taken with them were 600 people who reputedly commanded units of the Muslim and Croat resistance. The remaining 1,900 were found innocent and taken immediately to Trnopolje, which officials said was a transit camp, Drljača said."[27]

351. Željko Meakić, the chief of security in Logor Omarska, reportedly told a journalist from the New York tabloid Newsday that:

> "There was a power cut at 11:47 P.M. on July 26, and it lasted until 4:30 A.M. the next morning. [Čehajić] disappeared among seven who left at that time."[28]

352. According to an interview with Simo Drljača:

> "In the collection centres 'Omarska', 'Keraterm' and 'Trnopolje' more than 6,000 informative talks were held. Of this number 1,503 Muslims and Croats were sent to the camp 'Manjača', on the basis of solid documentation on active participation in the fighting against the Army of Republika Srpska, and also participation in genocide against the Serbian people."[29]

353. Interrogation - or informative talks - were conducted in Logor Omarska and Logor Keraterm, but not in Logor Trnopolje. The number of prisoners in Keraterm may have been about half of the number in Omarska.

354. The number of people, who were killed or who died in Logor Omarska, has yet to be established by outsiders. Confronted with the statement, "People say that 1,200 to 2,000 people were killed at Omarska", Mićo Kovačević (member of the Krizni Štab Srpske Opštine Prijedor and deputy mayor in Prijedor in the Serbian regime) reportedly replied that:

> "It's your choice. The police chief has definitive information. All the rest is Hitchcock."

355. Logor Omarska was hastily opened in the administrative centre of the Omarska iron ore mine - one of the three main extensions of Rudnika Ljubija - located to the south-east of the Kozarac area. The Omarska mine is situated just south of the railway from Prijedor town to Banja Luka. Omarska village, which was and remains predominantly Serbian populated, is positioned next to the railroad on the northern side of it. The mine is primarily an open pit mine, and there are numerous open pits in the vicinity of where the camp was established.

356. There was almost no reconstruction of the mining company's facilities before they were converted into a concentration camp. There were none the less rumours in the surrounding area before the concentration camp was opened that something special would be arranged at the place. The premises were not used by the mining company after the main change of usage - there are not known to be any mining related activities there, even at present.

357. The compound had four buildings which all definitely were used as part of the concentration camp. These buildings were the canteen building, the

larger building, the White House, and the Red House. The canteen building had a canteen and a kitchen on the ground floor, where there also were toilets, showers and a wardrobe for the miners. There was also a small garage. On the first floor in the canteen building, there were one main office and several smaller ones, or altogether eight rooms used for interrogation of camp inmates. The larger building was in part a huge garage for dumpers, etc. On the ground floor, in addition to the garage, there was one relatively large room. The first floor - which covered only parts of the ground floor - had several rooms (one, ill-famed, was known as No. 26) and an electrical workshop. The White House was a tiny construction totally out of proportion to the horrors reportedly taking place there. It had four rooms all allegedly constantly used for torture and killings. One of these rooms was known as "the room of death". The Red House, which was small as well, also had an ignoble function - this reportedly was where prisoners were taken for more or less immediate execution. For the latter reason, all reports about this building are from prisoners who have not been inside it themselves. There are limited numbers of survivors of the White House.

358. There are also reports to indicate that prisoners have been detained in a separator belonging to the mining company - this may, however, have been in another extension of Rudnika Ljubija, namely in Ljubija.

359. Around the canteen building and over to (and on three sides of) the larger building, the ground had a cement layer on top. This cement area was known as the "Pista". Outside of that, the ground was grass-covered.

360. Concerning the general conditions in the camp, a marked difference existed between the main period when the camp was open and after it, for all practical purposes, was closed on 6 August 1992. Thenceforth, the camp was more of a showcase for foreign journalists and the ICRC to visit. By then, most of the prisoners had been moved from the camp, the camp had been cleaned up and to some extent renovated (bullet holes had been covered and walls painted, etc.), beds had been brought into the camp, and more food and better hygiene were provided for the detainees. More importantly, the extreme violence and in-camp killings prevailed no more (see Chapter XII.A. *infra*). This chapter is focused on the main period when the concentration camp was open.

361. *Logor* Omarska was not surrounded by barbed wire or otherwise directly fenced. The camp was however, in the iron grip of three groups of guards - each comprised of 30 men. There was one group of guards in the camp itself, then one group of soldiers some 50 meters outside and another group some 100 metres away from the camp. The last group would reportedly shoot anything that moved. It is said that the two first groups primarily were to prevent prisoners from trying to leave the camp, whereas the third group was to protect the camp from attacks from outside. Former prisoners state that there were only two detainees who ever managed to flee from the camp. Both of them were later captured and returned to the camp, where one of them was allegedly immediately killed. The fate of the other appears to be unknown.

362. In addition, there is the non-Serb who claims that he was arrested and brought to the camp at the time of its opening. As the camp was not yet well-organized, and the people involved on the Serbian side were not yet fully familiar with one another, he pretended to be a Serb and walked out of the main entrance. He was not searched for as a fugitive, but was eventually persecuted as a non-Serb.

363. The Serbian leaders (as quoted *supra*) claim that 49 "disappeared" from the camp, seven of whom they say fled during a power outage during the night of 27 July 1992. Simo Drljača later told a foreign visitor that, "In legal

terminology we use that term [disappeared]. Maybe some who disappeared died in disappearing."

364. Starting, at the latest, on 27 May 1992, the conditions in Logor Omarska were more than crowded. One former detainee arriving at the camp on that day, recounts that he was squeezed into the room adjacent to the huge garage together with an estimated 400 other prisoners (the group was to prepare lists with the names of those present, with 30 names on each list). He states that the prisoners were packed so close together that their situation resembled that of sardines in a tin. After the doors to the storeroom had been closed, the prisoners had to remain there and in that position for four days, with neither food nor water or any toilet facilities. Everyone had to stand in an upright position all along as there was no space for anyone to lie down. Others estimate that this room may have contained up to 500 detainees at the time. The huge garage may have taken up to 1,000 men at the time. There were also several hundred men cramped in on the first floor of the same building. In addition, hundreds were ordered to stay on the cement floor outdoors - there are said to have been some 700 in early June 1992.

365. In the canteen building, there was only the garage which held any sizable number of prisoners. It is with reference to this garage that a former prisoner is reported to have informed that he, on 30 May 1992, was "stuffed with 130 others [prisoners] into a one-car garage".[30] Others claim there were times when there were as many as 160 prisoners squeezed into this garage. In the canteen building, the women had their quarters on the first floor in the offices where prisoners were interrogated in the daytime. Concerning the number of prisoners kept at any one time in the White House, this may have varied considerably. There may have been up to some 70 people in one room at the same time, but often far less - for example, only 20 people in each room or even less. As prisoners were killed/died in the White House, their place was not necessarily immediately filled with new prisoners - although there reportedly were always some prisoners in each room. The detainees taken to the White House had reportedly normally been detained elsewhere in the camp at first, but this was not always the case.

366. Not only was the camp crowded, but the detainees were not to move around freely in the camp either. Whether detained indoors or in the open area outside, they were only to move when specifically permitted to do so - regularly only to receive food and to go to the toilets/the open fields. Under these circumstances, which were aggravated by several other factors as well, sanitation more or less immediately became a problem for the prisoners.

367. There was far too little water provided for the detainees to drink, and personal hygiene thus naturally came second in the competition for water in the camp. This was mid-summer when the days often were hot. Also, indoors it was hot due to the generally cramped conditions there. The prisoners' clothing was never properly washed, and it became more and more dirtied and ragged by the day. Since most prisoners had only one pair of summer clothes on them when coming to the camp, the clothing also had to serve as bedding such as pillows and blankets. There were no beds or bedding provided for the prisoners in the camp, with the exception that the women were provided with some kind of mattresses, two women sleeping on each. One female prisoner relates that she made good use of two sets of underwear that she stuffed into her pocket before she had to leave her house during one of the Serbian military attacks. No clothing was provided for the detainees. Soon pieces of cloth were also needed to tie around wounds and other inflicted injuries.

368. Rainy weather would bring temporary relief concerning water, but there was not much chance of collecting the rainwater, and the rain had other sanitary disadvantages. In the emaciated condition of the prisoners, being

soaking wet was far from ideal. The mud that followed the rain also made life in detention more difficult.

369. Twice before the camp for all practical purposes was closed on 6 August 1992, male prisoners had a "shower". In groups of 50, the guards had them disrobe and aimed fire hoses at 10 of them at a time. The high pressure of the water on the prisoners' weakened bodies was painful and not a relief, particularly so as the guards reportedly amused themselves with aiming at the prisoners' wounds and genitals.

370. There were no sanitary provisions for the prisoners in the camp; some rooms had plastic barrels at times. Reportedly, the Serbian guards frequently beat the prisoners on their way to meals as well as on their way to the toilet - a reason why there were occasions when the prisoners preferred rather to urinate or defecate in their trousers or shoes.

371. The women in the camp had much better general conditions for personal hygiene, engaged as they were also in cleaning both in the kitchen and the offices (the rooms used for interrogation), etc. But, the relative cleanliness of the female prisoners was possibly more for the advantage of the Serbs abusing them than to themselves under the circumstances.

372. As there were no sanitary provisions for the prisoners, the women had to manage as best they could during menstruation. The women improvised sanitary napkins from newspapers. They also stole toilet paper from the toilets of the Serbian inspectors (which they had to clean) if the inspectors had forgotten any paper there. At a late time in the history of the camp, the women received one kilo of cotton to share between them.

373. As the prisoners hygiene deteriorated, so did the hygiene in the detention locations. This soon became a vicious circle exacerbated as prisoners were maltreated and wounds and illnesses entered the scene. In the White House, it is said, blood, hair, teeth and small pieces of human flesh and bones made the rooms look like a primitive slaughterhouse. Bullet holes and damage to the construction reportedly also affected the prisoners' mental soundness.

374. Hair and beards grew long. Soon lice were a problem. Diarrhoea and dysentery quickly became unwelcome frequent, and then later permanent, visitors. Under these circumstances, even minor wounds could represent serious - sometimes lethal - problems because they were easily infected and there were no proper remedies for disinfection available. Like the lice found their breeding ground in open wounds, so did reportedly worms. A variety of illnesses found suitable general conditions to break out, but this does not seem to have plagued the camp inmates to the extent that one could have feared, or which could have become the case, if the camp had been open for a longer period of time.

375. The combination of unsanitary and depressing conditions, fatigue due also to malnutrition and nutritional deficiencies, physical and mental stress, and maltreatment rapidly weakened the prison population.

376. The Serbs had, as already mentioned, detained a number of medical doctors in Logor Omarska (names are not disclosed for confidentiality or prosecutorial reasons). All of these doctors were prisoners themselves, and their high social status due to their profession seems a main reason for their detention. Whether they died in the detention or survived varied, as did the length of time before they were unable to assist anyone.

377. It can be expected that all of them tried to assist their fellow inmates

to the extent possible. One doctor, for example, was an ear, nose and throat specialist who to the extent possible provided all kinds of medical assistance in the camp until he was taken out of it in early August 1992 (for exchange supposedly, but he was probably executed possibly on the next day, see Chapter XII.B. infra). His medical and other assistance to fellow inmates is remembered with much affection and appreciation.

378. The medical doctors were called upon also to assist Serbian guards and officials in the camp, primarily when they were in need of first aid and concerning minor ailments. Though this was assistance to their actual tormentors, it probably benefitted the prisoners, both because medical doctors could live on and as there were no repercussions for disobedience.

379. The medical doctors had no medical equipment to assist their fellow camp inmates. Albeit inventive skills were stretched to a maximum, there is just so much that can be achieved with wooden pieces, bits of cardboard, and pieces of cloth.

380. There are reports that one small room on the camp premises was used as a sick ward - for some time at least - where prisoners could be kept for some days. But there was neither medical assistance nor food to be received there. Camp guards came by at times and allegedly mistreated the people in the room for no special reason.

381. When the prisoners first arrived at Logor Omarska, most of them, it is said, did not receive food or water the first four days or so. Later, they were permitted to come out from the buildings and rooms where they normally stayed to obtain daily food rations.

382. The routine in Logor Omarska allegedly was that when the prisoners were to receive food in the canteen (on the ground floor in the canteen building), they had to run through an L-shaped corridor. The camp guards frequently tossed wax on the floor to make it slippery. There were metallic wardrobe cabinets along the corridor and prisoners fell and hit the cabinets and were beaten by the guards. There were four Serbs in particular who allegedly beat the prisoners. The names of the alleged perpetrators are known but not disclosed for confidentiality or prosecutorial reasons.

383. To receive their daily food rations, the prisoners normally arrived in groups of 30. They received a piece of bread and a ladle of some soup-like fluid. The groups had to eat their food within two to three minutes. Each peice of bread weighed approximately 800 grams, one piece was normally divided between eight people, sometimes between four. The last prisoners sometimes received no bread at all. The female prisoners (who were charged with distributing the food) sometimes tried to give prisoners in special need a little extra, mainly from their own rations.

384. Some prisoners were so afraid of being beaten that they disregarded some of their daily rations. The daily food rations were handed out between 9:00 a.m. and 4:00 p.m. Thus, it was often more that 24 hours between times when each person received his rations. Once, a prisoner received some crumbs of bread in a newspaper. He remembers how he tore up the newspaper to get hold of every single of the crumbs.

385. One of the women relates that she had some sugar which she mixed with water for prisoners who fell unconscious. After serving the prisoners food, she had to prepare coffee for the guards, and that was the occasion on which she could steal some sugar. She also stole some coffee to be able to provide it for prisoners with dysentery. During one period, the women were permitted to go outside to the area where the kitchen garbage was thrown away. Here

these prisoners harvested some plants that would help prisoners suffering from diarrhoea.

386. Diarrhoea, as mentioned, was one problem for prisoners, and so was its counterpart, constipation. Several prisoners reportedly did not defecate for more than a month, some for up to two months - a highly painful experience. Regardless of physical ailments, all the prisoners soon lost considerable weight. During one and a half months, one prisoner says he lost 25 kilograms of weight. Other prisoners lost as much as 39 to 45 or even 50 kilograms during their stay in Logor Omarska.

387. When the prisoners arrived at the camp, they were normally searched. Either then or later Serbian guards demanded to have the prisoners' money, watches, and shoes - the latter only when they were in a good condition. All of a sudden, a guard would demand DEM 50 or 100 from a group of prisoners. If the guard did not receive what he had asked for, guards would often take out one of the prisoners and mistreat him. The guards, moreover, made money from selling cigarettes - not food or water - to the prisoners.

388. For the prisoners, camp life was at best an endless period of waiting - waiting for the present to pass, never sure if there was going to be any future, or more concrete, a new day tomorrow. A constant worry for self and not the least for those next of kin. Many fathers and sons, brothers and other close relatives were interned together, but could do next to nothing to assist one another. Similar pains related to friendships.

389. The prisoners spent their waiting periods standing, sitting or laying down when there was space enough for that. The prisoners laying on the cement floor outside often had to lay face down in the daytime so that they would not be able to observe in full what was happening around them.

390. The male detainees were not given any ordinary work to do, but were called upon to carry maltreated and dead fellow inmates in and out. It was more often than not that the prisoners themselves had to lift corpses up on trucks that would remove the dead, and on occasions when the number of dead was reportedly relatively high, the live workers out of the camps as well. The prisoners who had to follow such transports have allegedly not been heard of again.

391. After some two months in the camp, the youngest of the adolescents and the men over 65-years old were transferred in two buses to Logor Trnopolje. This was not long before Logor Omarska was to be practically closed on 6 August 1992 (see Chapter XII.A. infra). There possibly may have been a few people released from the camp. The Serbian leaders later interviewed about the camp have, however, made no mention of any prisoners released, and camp inmates say that they are not aware that any non-Serbian prisoners were ever released. It is only known that one of the female prisoners was out of the camp for a while before she was brought back in again. It is possible that some of the prisoners who disappeared from the camp were not executed as feared, but actually were helped or bribed into safety somewhere. There were, moreover, a few so-called exchanges of prisoners arranged, but there is concern that the term "exchange" may have been but an euphemism for execution (see Chapter XII.B. infra). The vast majority of detainees thus stayed in the camp until it was closed, if by then they were not yet dead.

392. Concentration camp inmates were called for interrogation in the offices on the first floor of the canteen building. Interrogations were normally conducted from 8:00 a.m. to 6:00 p.m. The interrogators are generally referred to with the more civilized title of "inspectors". The inspectors arrived at the camp in the morning in a small bus together with clerks

assisting with typewriting. Thence, camp guards went around in the camp and collected the unfortunate ones to be interrogated. Camp guards participated in interrogation sessions as well. Sometimes the guards seemed to have started the interrogation sessions elsewhere in the camp before they brought the prisoners to the inspectors. All the time, it is claimed, beating screaming and moaning could be heard from the interrogation offices. Survivors relate that they were badly maltreated and tortured when interrogated. Beatings with a variety of implements were probably most common, but there are long lists of other methods used as well. The number of prisoners who died during interrogation is not known to anyone other than the Serbs in charge; the number is allegedly not very small. Time and again other prisoners claim that they observed dead bodies taken out from interrogation and left on the ground outside for others to see. Fellow prisoners also noted that a number of prisoners taken for interrogation never returned to their detention room and were later not seen elsewhere either.

393. During interrogation, some were asked about political activities, a majority perhaps about their access to weapons. In general, the inspectors seemed to have asked all kinds of questions - sometimes they questioned the prisoners of things that seemed of no relevance to their case whatsoever. If a prisoner denied any charges made against him or her, the person allegedly was likely to be or continued to be maltreated. Many a time prisoners reportedly agreed to anything held against them just to avoid or reduce the mistreatment, but then the guards and interrogators would find just another excuse to proceed with the mistreatment it seems. In a number of reported cases, there appears to be limited, if any, correlation between what the prisoners explained when interrogated and the records made from the interrogation sessions. One detainee, for example, was questioned about participation in the Serbian plebiscite and the referendum held in BiH, and about political activity in general. This person was convicted on the basis of the interrogation session, but for armed revolt, stealing weapons, and for planning genocide against the Serbs - which were issues not at all addressed during the interrogation. It was a death sentence. There were not many prisoners officially sentenced to death. Of those who were sentenced, some were executed immediately, others were just to remain in the camp until death one day caught up with them. The person just mentioned was in the second category and survived.

394. Allegedly, the inspectors had long lists prepared ahead of time according to which the prisoners were called for interrogation - it was not done at random or at the whim of some individual Serbs. The precise character of the lists used is not yet known to outsiders, meaning non-Serbs. Since they were lists with thousands of names, they were not prepared readily although camp facilities to some extent seemed improvised in practical terms. One possibility could have been that the lists were taken straight from the 1991 census. This possibility, however, does not seem to correspond with the actual lists which prisoners themselves claim to have seen on occasion.

395. All the women reportedly experienced bad interrogation sessions.

396. In general, when prisoners were called for interrogation, other prisoners tried to provide them with some clothing which was not all in tatters so that they would have a little protection for the skin. It is stated that it even happened that prisoners - before potential interrogation sessions - smeared themselves with blood from fellow prisoners maltreated already, with the hope that it could give them an easier time. Blood stained clothing served a similar purpose.

397. Mistreatment and torture were not confined to interrogation sessions. Extreme abuses were reportedly carried out by camp guards at any time, but

especially at night. Sometimes the guards seemed to select their victims at random. Sometimes they probably had personal grudges to settle with someone. Sometimes they seemed to act in a kind of follow-up after the day's interrogations, coming back for victims from then.

398. At night, the guards were often more or less drunk. Sometimes they were joined by unruly elements from outside the camp, but that could happen in the daytime as well. Dušan Tadić is one example. Also, the Red Berets from Banja Luka (see Chapter V.C. supra) came to assist their Serbian comrades in the camp. Normally, the guards lit a bonfire at night and played loud music to overpower screams and moaning from prisoners.

399. When prisoners were called out at night - it could, for example, be five to 10 people from the large garage plus some from other rooms - they reportedly more often than not did not come back to their rooms ever.

400. Every night the prisoners were seized with fear that this could be their night - the night when they would be subjected to maltreatment and possibly, or rather probably, death. The guards allegedly organized sheer orgies in brute force and destruction. Some prisoners were victimized next to or in the bonfire, others in the White House, and some were walked towards the Red House. Some experienced two of these options. It seems that the same prisoners were not taken both to the White House and the Red House.

One former prisoner relates:

> "Arriving to Logor Omarska they were ordered up against the wall facing it and with their hands up - they were beaten. All the eight of them were taken to the White House, the second room to the right. The room was approximately 25 square metres and there were some 60 to 70 barely alive prisoners there. It was mainly young people who had surrendered themselves on the Kozara Mountain. Himself he was allowed to settle down next to a person [whose name is not disclosed for confidentiality or prosecutorial reasons], who later was killed in the camp. Of all the other people who were there, it was only one deaf and dumb man and himself who were not killed in the camp. There was one window in the room, and guards outside it. The door was half wood and half glass. Maybe 30 minutes later, it was dead silent in the room, a guard came in screaming that the one who was intended to flee had to come outside. He was ordered outside, where a bonfire was lit. All the guards were drunk. They asked him where he was hiding his weapon. He did not know how Logor Omarska was operated. He said that he had no weapon. They asked him for his name. He was then allowed to return inside. The guards outside the window were poking around like pigs, swearing at him, calling him names. They told him to come to the window and to lean his head out - he could see very little, it was dark. He saw only a knife gleaming in the dark. They asked him if he wanted to buy cigarettes, he answered in the affirmative and was given two packets. He shared one packet and was ordered to shut the window. The next day he saw a horrible - unimaginable and overwhelming - sight outside, they were all his fellow men who had been tormented. [Five men were named by the witness, who stated that two of them were killed in Omarska]."

401. Starting from the very beginning of the camp, female prisoners were allegedly raped by the Serbian camp guards, Serbian camp officials, and other Serbs. Rapes were reportedly often combined with beatings and other abuses. Often rapes were committed by several perpetrators one after the other.

Sometimes the rapist had an audience, sometimes it was merely fellow perpetrators waiting to take turns. Like the rest of the prison population the women were not as such protected against either ill-treatment or torture.

402. Two of the youngest women spent most of the time in the White House where they were raped and tortured. Almost all the women were badly tortured when in the camp. Most women were subjected to sexual assault - they were humiliated by being promised privileges and threatened that if they did not obey, they would not survive.

403. The guards reportedly tried to force one prisoner (whose name is not disclosed for confidentiality or prosecutorial reasons) to rape his fellow prisoner (whose name is also not disclosed for confidentiality or prosecutorial reasons), a young woman. He did not want to. He had angina pectoris. The guards stripped both. The male prisoner begged and screamed, "I cannot, I cannot, she could have been my daughter". The guards beat him, his heart could probably not take it. In any event, he was carried outside where it was raining heavily. The next morning other prisoners saw the male prisoner's dead body laying outside of the White House.

404. Men were also reportedly sexually abused in the camp. Prisoners were, inter alia, forced to have homosexual intercourse with one another, close relatives - like fathers and sons - among them. Worst of all were numbers of reported castrations carried out by a variety of primitive means. On one occasion, Dušan Tadić allegedly forced one prisoner to bite off the testicles of other prisoners who all died subsequently. In most cases, the guards are said to have performed the castrations themselves. Probably all the victims of castrations died due to severe losses of blood. On one occasion, the guards aimed a fire hose on the victim's wound afterwards. (For more information regarding rape and sexual assault, see Annex IX, Rape and Sexual Assault.)

405. According to the Gregorian calendar, Saint Peter's Day is on 29 June, but according to the Julian calendar, which is followed by the Serbian Orthodox church, all religious feasts are celebrated 13 days later. Christmas, just to mention one other example, is celebrated on 6 January. On 12 July 1992, Petrovdan (Saint Peter's Day), the Serbian guards reportedly took care to beat every single prisoner on their way to receive the daily food rations. There were 30 prisoners eating at a time. The guards beat them both on their way in and on their way out. The guards reportedly also celebrated this religious feast with other more severe acts of violence, killing more prisoners than they did on an average day and night.

406. Due to the violence in the camp, all the inmates felt a strong urge to blend into the background and be as invisible as possible. It was a matter of life or death never to do anything that possibly could provoke a Serb - but it was unpredictable what could inflame someone. Whatever a prisoner did, it could be wrong. In general, it was not advisable for a prisoner to look a Serb camp official in the eye. The subservient prisoner's position was head bent low and eyes looking to the ground, with the hands at the back. One prisoner eating a piece of bread from his meal was addressed by a guard and offered the latter to have some. The prisoner used a Turkish word used in Bosnia, saying "Bujrum!" - meaning "Please have some!" The guard was infuriated and allegedly killed the prisoner (whose name is not disclosed for confidentiality or prosecutorial reasons). Those who successfully avoided drawing attention experienced relief. But at the same time, they also had an irrational feeling of guilt of having some personal responsibility for those prisoners who under these circumstances remained visible and thus were targeted by the Serbs.

407. When new prisoners arrived at Logor Omarska, they were normally received with beatings from the very moment they disembarked from the vehicles in which they arrived. Some newcomers died, as they immediately had their heads smashed into a brick wall. Killed upon arrival - they were murdered, but not actually detained in Logor Omarska. How these captured non-Serbs were recorded in the camp files is unknown.

408. Survivors suggest that of five deaths, four were due to torture and one resulted from shooting.

409. In general, the suffering of each individual prisoner became a burden for all the prisoners. There was so little they could do to assist one another under the circumstances. There were obviously some small practical things that one could do to be of some help. But, when it really counted in matters of life and death and personal integrity and dignity, they were all powerless victims. It did none the less make a difference that they shared in the horrors and that they to some extent could console one another. It was probably also important for those dying and being abused that there were witnesses to their suffering or at least to the general situation.

410. The terror of never knowing when something would happen and what that would be not only incapacitated the prisoners, but it also affected their mental health. The latter was also the effect of the overall suffering in the camp. It did not ease this situation that the dead prisoners normally were thrown out on the grass where the other prisoners would see them. Some prisoners estimate that on an average there may have been 10 to 15 bodies displayed on the grass each morning, when the first prisoners went to receive their daily food rations. But there were also other dead bodies observed in other places at other times. Some prisoners died from their wounds or other causes in the rooms where they were detained. Constantly being exposed to the death and suffering of fellow prisoners made it impossible for anyone over any period of time to forget in what setting he or she was.

411. There are reports to indicate that a few dead prisoners were soaked with gasoline and set on fire next to the garbage container in the camp. But most of the time, the dead bodies were removed from the camp in a small yellow pickup truck. Five Serbs, who were in charge of the actual removal of the dead bodies, are known by name. However, their names are not disclosed for confidentiality or prosecutorial reasons.

412. Given the length of time Logor Omarska was used, the numbers of prisoners detained in the open, and the allegations that dead bodies were exhibited there almost every morning, it will be surprising if there are no satellite photographs of the camp facilities when still in use, which may shed some light on the issues addressed in this chapter.

413. Simo Drljača, chief of police, when asked by a visitor (in 1992) if Omarska did come under the civilian government of Prijedor, replied that Logor Omarska "was run together with the [Serbian] army and the [Serbian] police". Being told that an army spokesperson had said the camp was run under the local police, Drljača just said "Maybe". Questioned again under whose authority the camp was run, he responded that, "Military was doing the investigation: they had 40 inspectors".

414. Concerning the Serbs who were directly operating Logor Omarska, their names are all known to the United Nations Commission of Experts and the ICTFY. That is, the names of the camp leadership and the different shifts of guards inside the camp, the inspectors, and the clerks are available. In addition, the names of individuals who visited the camp and allegedly committed serious crimes there, such as Dušan Tadić, have been registered. Here it suffices to

mention but some of the central people involved.

415. The names of the camp leadership and the commanders of shifts of guards are known, but not disclosed here for confidentiality or prosecutorial reasons. One of the identified camp leaders was suspended on 27 June 1992, because he attempted to help his Muslim brothers-in-law and some other Muslims and Croats.

416. Four of the members of the Krizni Štab Srpske Opštine Prijedor are known to have visited Logor Omarska. Their names are not disclosed for confidentiality or prosecutorial reasons.

417. Also, one identified journalist, whose name is not disclosed for confidentiality or prosecutorial reasons, reportedly did visit the camp. Whether he was a member of the Krizni Štab Srpske Opštine Prijedor is not quite clear.

418. Two members of the Krizni Štab Srpske Opštine Prijedor have themselves allegedly on occasions performed brutal interrogations and torture in Logor Omarska. Their names are not disclosed for confidentiality or prosecutorial reasons.

419. Some high-ranking Serbian officers from Banja Luka once visited Logor Omarska, arriving by a large transport helicoptre. In leaving, they brought with them from the mine and ore processing plant a huge quantity of rubber conveyer belts. (It is known that this kind of rubber belts are used in the wars in the former Yugoslavia to protect tanks.)

420. As concerns the local Serbian leadership - military as well as civilian - there is nothing to indicate that Logor Omarska was ever considered a secret. Conversely, all available information indicates that the existence of the concentration camp as such was common knowledge when it still was used as a camp. Ed Vulliamy reported that:

> "[T]he local Red Cross had indeed visited Omarska, and given it a clean bill of health. Dr. Duško Ivić said later: 'Oh yes, I have certainly visited Omarska, and my professional assessment of the health of the people there is very good, apart from some diarrhoea.'"[31]

421. Before 6 August 1992, when the camp was virtually closed, no humanitarian organization (neither the ICRC nor anyone else) had visited Logor Omarska. In actual fact, it was the focus of the international media on the camp that prompted the camp closure (see Chapter XII.A. infra). Both when journalists were eventually permitted limited Serbian guided tours in the camp and the ICRC visited, the five women still detained in the camp were always hidden. Sometimes in such cases, the women were squeezed into the back seat of a Mercedes and driven to Omarska village, where they were guarded. After 6 August 1992, the ICRC thus registered only the male prisoners remaining in Logor Omarska, not the women as they were hidden. From this time on, the ICRC visited the camp once or twice a week. Now, the male detainees received food twice a day.

422. When the camp for most practical purposes had been closed and cleaned with only a limited number of prisoners left to be paraded for international media and aid agencies, journalist Ed Vulliamy described those deemed in good enough condition to be paraded for him as follows:

> "Nothing could have prepared us for what we see when we come through the back gates of what was the Omarska iron mine and ore

> processing works, and are ushered into the canteen area. Across a yard, a group of prisoners who have just emerged from a door in the side of a large rust-coloured metal shed are adjusting their eyes to the sunlight and being ordered into a straight line by the barked commands of a uniformed armed guard. Then, as part of some rigid, well-worn camp drill, they run in single file across the courtyard and into the canteen. Above them in an observation post is the watchful eye, hidden behind reflective sunglasses, of a beefy guard who follows their weary canter with the barrel of his heavy machine gun.
>
> There are thirty of them running; their heads newly shaven, their clothes baggy over their skeletal bodies. Some are barely able to move. In the canteen, there are no more barked orders, the men know the drill all right. They line up in obedient and submissive silence and collect their ration: a meager, watery portion of beans augmented with bread crumbs, and stale roll, which they collect as they file along the metal railings. The men are at various stages of human decay and affliction; the bones of their elbows and wrists protrude like pieces of jagged stone from the pencil-thin stalks to which their arms have been reduced. Their skin is putrefied, the complexions of their faces have been corroded. These humans are alive but decomposed, debased, degraded, and utterly subservient, and yet they fix their huge, hollow eyes on us with looks like the blades of knives. There is nothing quite like the sight of the prisoner desperate to talk and to convey some terrible truth that is so near yet so far, but who dares not. Their stares burn, they speak only with their terrified silence, and eyes inflamed with the articulation of stark, undiluted, desolate fear-without-hope.
>
> They sit down at sparse metal tables, and wolf down their meal. It is very obviously the only one of the day; if they ate even twice as much, they would not be so gaunt and withered. The meal takes precisely one minute; the guards signal that time is up, and the men make up another queue by the exit."[32]

423. Furthermore, according to Ed Vulliamy:

> "In between more waffle about the jihad and genocide against Serbs, we learn that Omarska is an 'investigation centre' for men suspected of being members of the Government Army. The men are rounded up, then 'screened' to determine whether they are 'fighters' or 'civilians'. Those found guilty of 'preparing the rebellion' go into 'Category A', explains Mrs. Balban [who translated for the Serb regime in Logor Omarska when Vulliamy visited the camp]. There is no information on their next destination. Those found to have been territorial defence soldiers (but not 'preparing the rebellion') go into 'Category B' and are sent to Manjača, and the rest go to another camp, Trnopolje, down the road. [A fourth category was hostages, meaning people for exchange, see Chapter XII.B. infra.]"[33]

424. In short, all information available about Logor Omarska seems to indicate that it was more than anything else a death camp. The detainees were not there to work or serve a specific purpose. There is no information to sustain a claim that the detainees were in transit to somewhere else. As far as the prisoners were concerned, the interrogations led nowhere out of the camp, and the camp conditions were such that very few, if any, prisoners would have survived long-term detention.

B. Logor Keraterm

425. In most respects, Logor Keraterm resembled Logor Omarska. The two camps had much the same status and organization. In a sense, it is probably correct to consider Keraterm almost like a smaller, but basically not better, extension of Omarska.

426. Also, Logor Keraterm received non-Serbian male adults. To this camp came leaders from the villages and those further down on the social ladder. It seems, however, to some extent, to have been a question of space where a specific group of prisoners were to be detained. At least on one occasion, it is known that a bus with captive non-Serbs was driven between the camps in order to unload the prisoners in any one of the detention facilities. As there was considered to be no room available in any of these camps, all but two of the prisoners were reportedly executed (see Chapters VII.D. supra and VIII.E. infra). Logor Trnopolje was, it seems, not viewed as an alternative for these prisoners. Trnopolje had, as will be related in the next chapter, a different character from that of Keraterm and Omarska.

427. Also when describing Keraterm, one could start with a list of prisoners incarcerated, but in an analysis like this that seems unnecessary. The point is already made that the entire non-Serbian leadership who survived the military attacks was brought for detention in Omarska or alternatively, in Keraterm. In the following, the focus will be on the respects in which Logor Keraterm differed considerably from Logor Omarska.

428. No women were apparently detained in Logor Keraterm for any length of time or killed there. After the Serbian military attack on the Kozarac area (see Chapter VII.B. supra), a mixed group of captured civilians were reportedly taken through Keraterm. Ssubsequently, a number of males and at least one, though possibly a few, women were taken to Omarska. Some other women and elderly men passed the camp probably on their way to Trnopolje. Later there were reportedly transfers to Omarska once or twice a week. Between 10 and 20 women may have passed through the camp with a more or less immediate onward transfer.

429. The exact number of detainees in Logor Keraterm varied over time. The average was reportedly between 1,000 and 1,050 captives. But on occasion, the number of prisoners may have been considerably higher, up to 1,500 men.

430. Keraterm was built as a ceramic tile factory in 1987. The industrial production reportedly first started in 1990. The factory premises are located in the Čirkin Polje district of Prijedor town, next to the main road Prijedor - Banja Luka, and not far from the railway linking the same towns.

431. There is one main building at the industrial plant - the factory building - in which the prisoners were detained. The factory building is possibly a combination of two structures. The entire complex was not far from rectangular, rather long and narrow, with one part (a little less than half the length of the building), narrower than the rest. At the back of the building was the production area of the ceramic factory. The narrower part of the entire structure was two stories tall. On the first floor, there were two halls (No. 1 and No. 2) where prisoners were detained. At the short wall of the factory structure, there was an entrance to the production area and to interrogation rooms on the second floor. Where the overall structure widens out and connects with the second part, or the rest of the building complex, there is a storage room which apparently was not normally used to detain prisoners. In the previous in-between storage room or next to it, there was a room with toilet facilities. Next to this again were Hall No. 3 and Hall No. 4 which both were used to detain prisoners. At the far end of the structure,

adjacent to Hall No. 4, there was a room to which prisoners, at least on occasion, were taken to be beaten or otherwise tortured.

432. The camp was surrounded by a wire fence (approximately two and a half metres high), and had one guard house at the entrance to the camp and another one next to a cargo scale for trucks - also close to the camp entrance. All the main doors to the detention halls faced the camp entrance.

433. There are allegations that the military police of the Army SRBiH had a base on the first floor in the area where the interrogation rooms were. There was no first floor above the toilet, Hall No. 3, Hall No. 4 and the adjoining chamber of maltreatment.

434. Across the main street, there was a separate office building for the Kozaraputevi, a separate road repair entity. Reportedly, there were two military units occupying this office building, one is referred to as merely a military unit, the other one as a communication unit which also had at its disposal three vehicles - TAM 150 - with sizable antennas. In the period when Keraterm was used as a concentration camp, the Kozaraputevi office was, however, used as a facility related to the camp and used also by Serbian camp officials for different purposes. Some prisoners, who were never detained in Logor Keraterm, were taken there for interrogation.

435. Like in Omarska, the prisoners in Logor Keraterm were squeezed into detention in a sardines-in-a-tin-like fashion. In Hall No. 1 and Hall No. 4, there may have been an average of up to 200 prisoners detained in each at any time. Hall No. 3 may normally have had a population of 200 to 250 detainees. Hall No. 2, however, being the biggest one - possibly 120 square metres - may have given room for between 500 and 700 inmates.

436. The cramped conditions in Keraterm and a similar lack of sanitary provisions and hygiene as in Logor Omarska gave the same ensuing problems of hygiene as in that camp (see Chapter VIII.A. supra). The toilet room had four urinals which the prisoners could use if and when the guards agreed. As maltreatment was part of the camp routine in Keraterm also, the picture of everything from blood stained walls to lethally injured prisoners with infected wounds were part of the overall camp scenery. It is not known if there were any medical doctors who stayed for any length of time in Keraterm, but at least one medical doctor passed through the camp on his way to Omarska. There is no information to suggest that ill or wounded prisoners in the camp were ever provided with any medical aid by the Serbs, and there is no information about any sick-ward. Conversely, reports suggest that some seriously ill or severely wounded prisoners were deposited together with dead camp inmates (see Chapter VIII.F. infra).

437. The food provided to the detainees in Keraterm was similar to that provided for the Logor Omarska inmates. Generally speaking, the prisoners would be provided with their daily food rations from the time when they arrived at the camp. Two cooks came every day to the camp to arrange for the prisoners' daily food rations. The food is said normally to have consisted of a piece of bread and a spoonful of boiled cabbage or beans. The cooks took up their position next to the toilet facilities. The prisoners had normally less than 30 seconds to finish their daily rations, some say. Others think that it was arranged so that 10 prisoners had a total of two minutes to get hold of their daily rations. As many as one third of the prisoners would face the risk that there would be no more food available for them in one particular day. Sometimes the detainees were instructed to crawl to receive their rations. Sometimes the guards reportedly amused themselves by shooting above the heads of those coming up for their meals or eating. The prisoners were reportedly beaten on the way to their meals.

438. Inside the camp, the dead prisoners would normally be collected in a refuse dump or in a garbage container. Sometimes an identified psychiatrist, whose name is not disclosed for confidentiality or prosecutorial reasons, reportedly came to the camp and issued death certificates for such prisoners. When there were transports of corpses out of the camp, fellow prisoners would, it is said, normally be the ones to pile them on transport vehicles. These prisoners were, in most cases, allegedly ordered to follow the transports out of the camp. Later, it is said, these prisoners were not heard from again. About one month after the Serbian military attack on the Kozarac area, a number of detainees were taken out to collect and bury dead bodies in that area. At least one of them survived later to tell about the undertaking.

439. As mentioned, some prisoners just entered Keraterm to be transferred to Logor Omarska or to Logor Trnopolje (women and elderly males). Allegedly, a few prisoners were released from Logor Keraterm up to 5 June 1992 - after interrogation - but there are said to be no known cases of releases after this time. The rest of the inmates either succumbed in the concentration camp or were transferred out of the camp as it was closed in early August 1992 (see Chapter XII.A. infra). There is no information to suggest that anyone successfully fled the camp - possibly there may have been some such cases from among those taken out of the camp with such working obligations as described above - to inter corpses from the camp and people killed during Serbian military-cum-"ethnic cleansing" campaigns.

440. Reportedly, Serbian military police, civilian police, ordinary military and paramilitary fighters almost every day came with new groups of non-Serbian captives to the camp. The prisoners were ordered out of the vehicles just inside the camp entrance, normally next to the scale. Here they were lined up and were asked for identity papers and valuables. More often than not, a guard would approach the prisoner or prisoners first in line and ask them what they were doing in the camp. Without waiting for an answer, the guard would beat the one or those questioned, or have them beat one another, all according to the whim of the guards. As the prisoners were pushed and hurled into one of the detention halls, most of them were beaten.

441. Sometimes the maltreatment upon arrival was even worse. On 14 June 1992, it is claimed that two bus-loads of captives from the hamlet Sivci (in the Kozarac area) were brought into Logor Keraterm. These prisoners were ordered to leave the buses ten at a time and lay down on the ground where allegedly guards (the name of their identified shift commander is not disclosed for confidentiality or prosecutorial reasons) beat the newcomers with rifle butts, before the same prisoners were ordered up against the wall where another group of alleged perpetrators (from outside the camp) came to cut the prisoners' armpits and pierce their arms and legs with bayonets. Afterwards these prisoners were taken into Hall No. 3 and a majority was probably later moved on to Logor Omarska.

442. At night time, the guards - not on one of the commander's shift, it is stated, but under the two other shift commanders, and allegedly with the approval of the camp commander - called prisoners out from the detention halls and beat and otherwise tortured them. (The names of the four identified commanders are not disclosed for confidentiality or prosecutorial reasons.) The guards would, for example, call out every prisoner with a certain surname. Participating in these orgies were reportedly people from outside the camp - locals like an identified taxi driver whose name is not disclosed for confidentiality or prosecutorial reasons (the taxi driver is said to have been a frequent and particularly brutal participant), soldiers back from the front for some days, and a gang of villains dressed entirely in black (long black leather coats, large wide-rimmed black hats, black boots, etc.) and with shaved heads. The men in the latter group were about 30-years old; they

reportedly also came to Logor Omarska and carried out torture and killings. Sometimes camp guards and/or people from outside the camp came into detention halls and fired shots above the heads of the prisoners. As the walls were of metal some bullets allegedly ricochetted and wounded prisoners. One day in mid-July 1992, to give but one example of the brutality, an unknown Serb came to the camp and pointed out some five or six prisoners from the village Gornji Orlovi, who thence were severely tortured. One from the latter group of prisoners - his name is not disclosed for confidentiality or prosecutorial reasons - reportedly died during this torture.

443. Reportedly, there was almost no day with less than two or three prisoners killed in Logor Keraterm.

444. One Serb is known to have been detained in the camp - allegedly for having participated in the referendum in BiH (see Chapter III.F. supra) and having voted in favour of a unified and sovereign BiH. His name is not disclosed for confidentiality or prosecutorial reasons. He came from the village Ljeskare (in the Ljubija area).

445. One former inmate in Keraterm relates the following about the by far largest alleged massacre taking place in the camp:

> "On 20 July 1992, Hall No. 3 was emptied for prisoners. These detainees were dispersed into the three other detention halls. Later in the day, new bus-loads of captives arrived to the camp. At this time detainees in Logor Keratem could observe that it was burning in the Hambarine area [see Chapter VII.D. supra]. The newcomers were detained in Hall No. 3. Starting at the same time the prisoners in the three other halls were ordered to urinate in plastic barrels only.
>
> In Hall No. 3 the doors were firmly closed and there was no fresh air for the prisoners squeezed in there. No food and no water was provided for the newly arrived detainees as long as they stayed in Hall No. 3. A door from the toilet area to the hall was firmly blocked by Serbian camp officials. Thenceforth the barrels with urine were emptied next to this blocked door to flow into Hall No. 3.
>
> In the night of 24 July 1992, one camp commander's shift [in the following referred to as shift A] came to the camp possibly at about 19.00 hours, later also another commander's shift of camp guards [in the following referred to as shift B] appeared. [The names of the two identified commanders are not disclosed for confidentiality or prosecutorial reasons.] Earlier in the day some 15 people in military uniforms had come to the camp. There were four machine gun posts outside the front of the factory building, now the weapons were all aimed at Hall No. 3. In the evening the guards on shift B took out in front of the factory building some ten prisoners, had them kneel in a circle with their hands behind their heads. The guards than ran around the circle screaming as they beat the prisoners severely. One of the people thus maltreated was subsequently thrown next to Hall No. 2 by the guards, and died there some 15 minutes later. Others may have encountered similar consequences.
>
> At about mid-night it could be heard that windows high up on the front wall to Hall No. 3 were broken. Someone cried out, 'Do not shoot unless the commander of shift A instructs that.' (Shift A was on duty that night.) Then someone else cried out, 'They [the detainees] are fleeing.' Then heavy machine gun fire started. The commander of shift A yelled that the shooting should stop. His instruction was ignored, and someone mocked him saying

> that, 'A Serbian mother has given birth to an Ustaša son.' At first, prisoners like himself detained outside Hall No. 3 thought that the long-lasting shooting was merely to terrorize the prisoners. At dawn he was told by fellow prisoners that it seemed that the prisoners in Hall No. 3 had been killed. A little later he himself saw a huge pile of dead bodies outside of Hall No. 3. At about 05.00 hours a large lorry - FAD 1620, 24 tons - driven by an identified man [whose name is not disclosed for confidentiality or prosecutorial reasons] arrived to the camp. Some prisoners probably from Hall No. 1 and Hall No. 4 (he was detained in Hall No. 2 himself) and a few who appeared to be survivors from Hall No. 3, were ordered to heap the dead bodies on the lorry. First they had to take out dead prisoners from Hall No. 3, thereafter to remove the pile of corpses laying outside this hall. One prisoner participating in loading the dead - and with the corpses also wounded prisoners - on the lorry, afterwards told him that he had counted 98 dead and 62 or 63 wounded prisoners. Others claimed the total of dead was 150, and that the wounded numbered between 30 and 40. Later in the day, two fire trucks came and hosed down Hall No. 3 and the area outside it to remove all the blood there.
>
> The night of the mass-killing and the next day the main road (from Prijedor to Banja Luka) passing the camp was closed for traffic."

446. All available information supports by and large this account. As for the fate of the corpses from the massacre and wounded prisoners removed from the camp with the dead, see Chapters VII.F. *supra* and VIII.F. *infra*.

447. On the morning of 26 July 1992, it is reported that a total of 21 dead prisoners were placed in front of the factory building. Before being removed, the corpses were photographed laying face up.

448. At daytime, prisoners were taken for interrogation, like in Omarska. The prisoners were interrogated in the camp itself in the interrogation rooms on the first floor. Also in *Logor* Keraterm, the interrogators were inspectors coming into the camp for this specific purpose - again like in Omarska. The inspectors were assisted by camp guards in mistreating their victims. Among the inspectors were policemen in active service, retired policemen, and lawyers.

449. It is said that approximately one half of the camp guards were in police uniforms, and the other half in military outfits.

450. The camp location next to the main road Prijedor - Banja Luka, made even the dead prisoners visible, at least on occasion, to bypassers. Normally, the dead would be laying outside of the factory building in the morning, before they were removed to the refuse dump/garbage container or out of the camp.

451. Concerning the Serbs who were directly operating *Logor* Keraterm, their names are all known to the United Nations Commission of Experts and the ICTFY. That is, the names of the camp leadership and the different shifts of guards inside the camp and the inspectors are available. In addition, the names of individuals who visited the camp and allegedly committed serious crimes there, have been registered. Here it suffices to mention but some of the central people involved.

452. The names of the camp leadership and the commanders of shifts of guards are known but not disclosed here for confidentiality or prosecutorial reasons. Reportedly, there was a change of camp commander and general chief of security from 28 or 29 July 1992.

453. Former inmates in the camp allege that some named members of the Krizni Štab Srpske Opštine Prijedor visited Logor Keraterm. The names of the "visitors" are not disclosed here for confidentiality or prosecutorial reasons.

454. Logor Keraterm has for several reasons been given less attention than Logor Omarska. The latter was the camp where the very elite of the non-Serbian community - the upper echelons in all fields - were primarily incarcerated. Logor Omarska was furthermore more than double the size of Logor Keraterm, and Logor Omarska became the main focus of the media - both television and newspapers. Several books - chronicles in part - about Logor Omarska have also been published.

455. None the less, Logor Keraterm has the same character as Logor Omarska in terms of being a death camp. For the individual prisoners, the traumas of having been detained in Logor Keraterm and Logor Omarska respectivly may have been much the same. Both concentration camps presented the inmates with utterly gruesome experiences.

C. Logor Trnopolje

456. Prior to Logor Omarska and Logor Keraterm being closed, essentially only children, women, and elderly men were taken to Trnopolje. The adult and not too old men (normally those between 16 and 60 or 65-years old) were taken to Omarska and Keraterm camps. It was, in other words, the non-Serbian people in the categories later deported (see Chapters X.A., X.B. and X.C. infra) who were detained in Logor Trnopolje. Some non-Serbs rounded up for deportations were reportedly brought to the camp even from the Sanski Most and Ključ districts.

457. The total number of camp inmates reportedly varied on an average from between 4,000 to 7,000 people. In the wake of the major Serbian military attack on the non-Serbian villages on the left bank of the Sana River (see Chapter VII.D. supra), there may have been altogether some 7,000 detainees in Logor Trnopolje. This period - together with the one just after the military campaigns in late May and early June (see Chapters VII.A., VII.B. and VII.C. supra) - may have been the single most crowded time in the camp's history.

458. Some people stayed in the camp for a very limited period of time, such as for a few days (some reportedly even stayed for one night only), others remained there for months as they were not deported. Some arrived at least twice to the camp - first rounded up and detained, then released for lack of space, and then rearrested.

459. Non-Serbs were, after the Serbian military attack on Prijedor town (see Chapter VII.C. supra), first gathered in different locations inside and just outside of Prijedor town and then taken to Trnopolje. A number of women and children from houses in Prijedor town, which had not been destroyed, were at least temporarily released after some three or four days. In late June 1992, non-Serbs who had sought refuge in the Puharska suburb of Prijedor town together with long-term inhabitants from this suburb (which had a predominantly Muslim population) were rounded up and brought to Trnopolje.

460. There are reports of non-Serbs having approached the local Serbian Red Cross in Prijedor to ask for the whereabouts of relatives who had "disappeared", were detained or deported, and who then were forcibly taken by Serbian Red Cross personnel into one of their buses and transported to Logor Trnopolje to be incarcerated without any reason given.

461. The camp was located very near the first station, Stanica Kozarac, on the railway from Prijedor to Banja Luka. The area is said to have been predominantly Muslim. The local school had, however, been occupied by Serbs who made it a stronghold before they converted it into a concentration camp.

462. The camp was opened in a area of and adjacent to a primary school. The entire area used has the shape of an irregular triangle. There were three main building complexes in the camp compound: the school with its sports hall, a cinema hall with some smaller rooms next to it, and a storage building. A number of tents were put up in the camp yard as well.

463. Some of the detainees were instructed as to where in the camp they were to stay. Others were simply told to find themselves a place where they could sleep.

464. The camp was surrounded by barbed wire, and a number of camp guards watched the detainees. The inmates had limited possibilities to move or to find anything to eat. A permission could be obtained to leave the camp for some hours - but that gave no inalienable rights for those going out neither vis-à-vis those guards who had given them permission to go out nor those guards who happened to be around when they came back. These detainees were left at the mercy, behest, or whim of the guards. At best, those going out had no problems when outside or upon return to the camp, in other cases they were lucky if they could pay in cash or kind to return. Outgoing prisoners often had family members in the camp so that they were likely to return - if for nothing else than for the safety of their relatives. Outside the camp, they were outlaws, and de facto they had normally nowhere to run. It was bad in the camp and so it was outside as well (see Chapter IX.C. infra).

465. Furthermore, as the camp was a staging area for deportations, those going out of the camp ran the risk that they would be separated from family members in case they were not all in the camp when detainees were deported. The separation of relatives together in the camp could, however, happen at any time during the deportations. The deportees were to move at the behest of their Serbian captors. Bribes could bring about some flexibility, it is said, but not necessarily.

466. It was summer and early autumn, meaning harvest time. Some prisoners - especially farmers from nearby areas - were ordered by the camp guards to leave the camp to harvest especially vegetables in their own or other local fields. These workers had, however, no protection outside the camp either. One even claims that the majority of the detainees from Trnopolje killed in August 1992 were people on this kind of work assignment, whom the camp guards killed outside the camp. The one man who makes this allegation reports that he himself was commanded together with others to bury eight people killed in vegetable fields.

467. Basically, there was far too little space for all the camp inmates in Logor Trnopolje, but the detainees were not cramped in like in Logor Omarska and Logor Keraterm. The sanitation in the camp was far, far better than in the two other camps. There were better toilet facilities and more water available for the detainees who also had more private belongings such as the odd cooking pots, buckets, some additional clothes, etc. Still the sanitation and hygiene as such was bad in the camp. But due to the deportations, the turn-over rate of the majority of the prisoners was high and eased the sanitary situation. There were no proper provisions for camp inmates in terms of food and water, clothing, bedding, or medical care.

468. Sometimes the prisoners received no food for the first three days in the camp. For the short-term detainees, there could even be no food made

available at all. Thus, many were rather exhausted before being deported - during deportations there would again often be no food at all made available for days (see Chapters X.B. and X.C. infra). There was at least one medical doctor detained in the camp for some period of time. The doctor provided fellow detainees with assistance to the extent possible, but did not have proper medical equipment on hand.

469. The detainees were, in general, not working in the camp. Five boys 13 or 14-years old were once ordered to load or remove some timber. When the job was done, they were reportedly all shot dead by an identified camp guard, whose name is not disclosed for confidentiality or prosecutorial reasons.

470. The detainees in Trnopolje were more or less systematically deprived of their valuables and frequently also of their identification papers and other documents on hand. There are numerous reports of embezzlement and pilfering by camp guards and other camp officials. In addition to the actions of camp officials, there are reports suggesting that a number of Serbian soldiers back from the war for the weekend or a few days functioned as camp guards to enrich themselves and take out aggression in terms of committing rapes and otherwise seriously abusing detainees. These occasional guards are even said to have killed or participated in killing camp inmates.

471. There were no formalized interrogation sessions in Logor Trnopolje. There were in other words no inspectors arriving to question the camp inmates. The incoming captives only had their names and whereabouts recorded.

472. Killings were not rare in the camp, nor was the infliction of torture. Harassment in general is claimed to have been the rule and not the exception. Rapes were reportedly the most common of the serious crimes to which camp inmates were subjected. The nights were when most of the injustice was performed. The nightly terror of possibly being called out for rape or other abuses was reportedly a severe mental constraint even for short-term detainees in the camp. Many detainees reportedly never returned after venturing with or without explicit permission outside of the camp. Other former detainees report that there were times when they were ordered to bury non-Serbs, who had been killed, in fields and meadows near the camp.

473. The allegation is that on one occasion some camp inmates had their hands and feet chained and were forced to lay down on the ground in the camp enclosure. Then, tractors were driven over their legs. Those who did not perish from their injuries relatively quickly, were later shot dead. Guards had taken up positions to prevent fellow prisoners from assisting those in agony. Reportedly, mainly wealthy people were shackled and killed. It is said that in the camp this kind of execution took place at least on four different occasions.

474. The first period was allegedly the worst in Trnopolje, with the highest numbers of inmates killed, raped, and otherwise mistreated and tortured.

475. At night, the detainees could hear the noises of drunk soldiers and other visitors to the camp, and the screaming of fellow inmates abused or taken out of the camp. It was expected that inmates taken out of the camp would be abused. A number of those taken out at night allegedly never returned to the camp and have not been heard from again. For this reason, fellow inmates believe that they were killed after departure from the camp, possibly after being abused or raped.

476. On 6 June 1992, to give just one example of what is reported, Serbian tank drivers came into the camp and seized some 30-40 young female camp inmates. Arriving between 10:00 p.m. and midnight, the soldiers - one

identified name is not disclosed for confidentiality or prosecutorial reasons - were more or less drunk. They forced the girls and women out with them. When the female prisoners were returned to the camp, they had been raped and mistreated, and their clothing was in tatters.

477. The people killed in the camp were usually removed soon after by some camp inmates who were ordered by the Serbs to take them away and bury them. These workers would normally come back to the camp.

478. Concerning the Serbs who were directly operating Logor Trnopolje, their names are known to the United Nations Commission of Experts and the ICTFY. That is, the names of the camp leadership and the guards inside the camp are known. In addition, the names of individuals who visited the camp and allegedly committed serious crimes there were registered, but are not disclosed for confidentiality or prosecutorial reasons. There are also long lists with names of Serbian soldiers who served as occasional guards in the camp, or who arrived in the camp to take out detainees to abuse them.

479. The name of the camp director in Logor Trnopolje, who was also a member of the Krizni Štab Srpske Opštine Prijedor, is not disclosed for confidentiality or prosecutorial reasons.

480. The local Serbian Red Cross was abused by the Serbs then running it, to play a central role in the management of and the abuses related to Logor Trnopolje - in clear violation of the Red Cross mandate as such.

481. A staff member of the Red Cross in Prijedor, whose name is not disclosed for confidentiality or prosecutorial reasons, worked at the secretariat in Trnopolje where he was responsible for food supplies coming to the camp. Allegedly keeping food away from the internees, he caused terror and hunger, which was one of the reasons why prisoners in the camp succumbed.

482. Also, Logor Trnopolje changed much - meaning that the general situation in the camp was considerably ameliorated - after Logor Omarska and Logor Keraterm were closed (see Chapter XII.A. infra). Most important was that the violence against camp inmates decreased, especially killings. All of the food provided by the ICRC did not reach detainees, but nutrition-wise the conditions are said to have improved.

483. None the less, it was when trying to describe the conditions in Logor Trnopolje at this later time (after it had become an "open reception centre", see Chapter XII.A. infra) that United Nations Human Rights envoy Mazowiecki said that "words fail me". One other representative of the international community relates (after a visit to the camp in the same period) that the road in front of the camp was strewn with empty cartridges when international observers first were admitted to the camp. According to camp inmates, random shooting by Serbs into the camp was just one of the various methods used to terrorize the detainees.

484. In late August 1992, most detainees from Prijedor town who had a house to return to, had been released from Trnopolje. People from the Kozarac area (and other destroyed areas) were registered by the ICRC. Former detainees from the camp (among them people transferred to Trnopolje as Logor Omarska and Logor Keraterm were closed) then returned to the camp to be registered by the ICRC as well. Registration was considered the "passport" needed to flee the Serbian persecution. Many released prisoners had not dared to leave their houses upon return to Prijedor town, as they reportedly were afraid of being killed. Later, there were non-Serbs paying camp guards to enter the camp to seek a safe transport out of Opština Prijedor. This the Serbs used to illustrate what an agreeable place Trnopolje was.

485. Albeit Logor Trnopolje was not a death camp like Logor Omarska or Logor Keraterm, the label "concentration camp" is none the less justified for Logor Trnopolje due to the regime prevailing in the camp.

D. Other places of detention

486. Several other places of detention were used at the same time as the above-mentioned camps. These detention facilities were mainly used for two purposes, one was initial interrogations and the other staging areas for deportations. A number of people were held in these areas for a relatively short period of time prior to being taken to one of the above-mentioned concentration camps.

487. Some of the male inhabitants of Prijedor town were, after being forced out of their homes there in late May and early June 1992, detained temporarily in a school in Svodna (a village outside Opština Prijedor, located along the road to Bosanski Novi). Another camp was established in a school building in the small village of Ćela, about six kilometres south of Prijedor town.

488. Women, small children (sometimes only those below 12 years of age, sometimes also adolescents up to the age of 15), and elderly men (those from 60 or 65 years old and older) were gathered for deportation in stadiums (such as in the suburb Tukovi in Prijedor town, and in the town of Ljubija) or in sports halls at different schools. For a night or so, they might initially have been detained even in private houses in attacked areas.

489. After the attack on the Kozarac area (see Chapter VII.B. supra), the high school in Prijedor town - its courtyard and sports hall - was used to detain several thousand children, women, and elderly men. Initially, for the first hours that is, people from outside - such as relatives and friends - could enter the high school to speak with people, bring them some food, and even release the internees.

490. Men and other prisoners of special interest were occasionally detained at police stations and in military barracks or in other more or less randomly selected areas of convenience. Normally, such detention facilities were used for the individual prisoner for relatively short periods ranging from some hours to a few days. From these detention facilities, the prisoners were either released after having been given the message that they were no more wanted in the Srpske Opštine Prijedor, or transferred to one of the above-mentioned camps. Some were killed when in detention - like non-Serbs could be killed anywhere: in their homes or gardens, on the streets, in the woods, on the mountains or in the hills, or actually wherever they were captured or merely attacked.

491. A number of women may have been short-term detainees in places, such as military barracks, where they allegedly were abused (see Chapters VII.B. and VII.D. supra).

492. As for the civilian non-Serbs rounded up in the attack on the villages on the left bank of the Sana River, many - especially from the southernmost areas - were taken to detention centres in Opština Sanski Most, inter alia, to Logor Krings. For some, at present unknown, period of time, there was also a detention facility in the Ljubija area referred to as Logor Ciglane. Whether the latter is identical with the detention facility used in a central area of the iron ore mine - possibly the separator - is not clear either. Allegations are, however, that there may have been as many as 1,000 people detained in the place at the same time. The detainees were reportedly a mixture of both sexes and different age groups - a breakdown of which is not available for the time

being.

E. General characteristics

493. On 23 May 1992, Serbian spokesmen officially announced the establishment of the first detention centre near Prijedor in northern BiH.

494. Soon after the Serbs took power, in late May 1992, Muslim and Croatian leaders in Prijedor started to "disappear", only later it became known that they had been taken to Logor Omarska and Logor Keraterm. Political leaders, officials from the courts and the administration (inclusive the police), academics and other intellectuals, religious leaders, leaders from enterprises and businesses - the backbone of the Muslim and Croatian communities that is - were no more tolerated at liberty, or rather they were taken away apparently with the intent of their removal being permanent. Left behind without guidance and the strength of leadership were the much bewildered ordinary Muslim and Croatian people. This way Logor Omarska and in a similar way, but not to the same extent, Logor Keraterm became instruments of the overall destructive policy. Forcibly transferring children from one group to another group (not to say killing the same children) may be intended to destroy in whole or in part, a national, ethnical, racial or religious group - i.e. depriving the actual group of its future. Taking away the leaders of such a group deprives it of its present vitality, its ability to determine its political status and pursue its economic, social and cultural goals. Taking away the leaders means disarming the group intellectually and spiritually - it is a tactical, but lethal move facilitating further destruction of the group by rendering it open to almost any kind of abuse and destruction. Moreover, revival of a group requires leaders.

495. Among those detained in the camps were former non-Serbian policemen and other law and order people such as judges and jurists in general. Moreover, former military personnel, such as people enrolled in the TO, were particularly targeted. This left the non-Serbs also without any legal or armed protection.

496. As the camps of Omarska, Keraterm and Trnopolje were opened, only a few cases from there were opened for investigation although the criminal sector of the legal system was functioning in its own exclusive Serbian way.

497. In running the concentration camps, the Serbian police and the Serbian military cooperated. As in the military campaign against the non-Serbian habitations, the police and the military took advantage of the assistance of quasi-military elements and locally gathered manpower (for example, from the villages nearby Logor Omarska) also in the concentration camps. A number of the camp guards may have been recruited into the police or the military from the reserve, others were possibly new recruits. Whether to have assistance in exterminating detainees, or to give an outlet for general aggression and to legitimize aggression against non-Serbs, or a combination of these purposes, the Serbian leaders furthermore opened up the camps to the most brutal people around - belonging to paramilitary forces or just anybody. Especially in Logor Trnopolje, but also in the other camps, Serbian soldiers on leave from their ordinary service seem to have gratified both their greed and whatever sadistic inclinations they had.

498. Almost all the people in offices after the power change reportedly had knowledge of the death camps. These camps were spoken of in the SDS party, in broadcasts from Radio Prijedor and Television Banja Luka. The media mentioned names of some of the detainees and charged that the mentioned people were accused of having undermined society and of having prepared genocide against

the Serbs.

499. According to an interview of Simo Drljača (chief of the Serbian secret police and member of the Krizni Štab Srpske Opština Prijedor):

> Drljača: "In the collection centres 'Omarska', 'Keraterm' and 'Trnopolje' more than 6,000 informative talks were held. Of this number 1,503 Muslims and Croats were sent to the camp 'Manjača', on the basis of solid documentation on active participation in the fighting against the Army of Republika Srpska, and also participation in genocide against the Serbian people. Instead of letting them get their deserved punishment, the powerful men of the world expressing disdain forced us to release them all from Manjača."[34]

500. The concentration camp premises were sometimes so packed with people that no more inmates could be crammed in. At least on one occasion, this allegedly resulted in an entire bus-load of newly captured non-Serbs being executed en masse. The bus, which was packed with captives from villages on the left bank of the Sana River, first tried to leave passengers at Logor Keraterm, then in Logor Omarska, and finally at Keraterm again - but in none of these places was there any room for the prisoners. Then, the bus was driven back across the Sana River. The bus passed the athletic field in Tukovi and continued towards the Rizvanovići area stopping at the gravel pit in "Suhi Prijedor" in front of a private house. All the captives but two were shot dead (see Chapter VII.D. supra). Another bus with fewer passengers - 27 all together - was on its way to the same gravel pit, but the bus-load of non-Serb workers primarily from Autotransport Prijedor were killed. It is believed that the dead bodies may have been left in the area to be washed away by a later inundation by the Sana River.

F. The disposal of the dead

501. The dead bodies from the massacre in Hall No. 3 in Keraterm (see Chapter VIII.B. supra) on 24 July 1992 were possibly later driven to the Kozarac area. At least it is reported that a truck with many dead bodies, from which blood was dripping on the road, was observed on the road from Kozarac towards Mrakovica (possibly some three kilometres from Mrakovica). The non-Serb who observed and reported this belonged to a group of concentration camp inmates who had been taken out of the camp to bury dead bodies in the Kozarac area. This man, whose name is not disclosed for confidentiality or prosecutorial reasons, also states that Serbian soldiers claimed that the dead were the "soldiers of Alija Izetbegović". One of the Serbian soldiers reportedly stated that the truck had come from Logor Keraterm and that it contained approximately 200 dead bodies. The truck was green with a yellow car cover over the truck body. At the time, there were allegedly also many other dead bodies in the Kozarac area. Non-Serbs took part in digging graves along the road, the bodies were covered with a thin layer of soil between every layer of bodies.

502. The dead camp inmates from Logor Keraterm were usually removed by truck. There is said to be a mass grave near the location called "Bajr", the former brickyard, in the immediate vicinity of Logor Keraterm. A non-Serb reports that according to camp guards, seriously wounded prisoners from the camp were also buried there without anyone having bothered to kill them first. The mass grave may be covered by construction material from Stari Grad which by then had been completely destroyed.

503. Prisoners from Logor Omarska were sometimes said to be exchanged at

Gradiška, but may have been executed in the village of Gradina (nearby Omarska) instead. The bodies of the latter groups may have been disposed of in that same area.

504. There are numerous reports of individual graves and graves for small groups of prisoners outside both Omarska and Trnopolje concentration camps - not the least in nearby fields and meadows. Logor Keraterm was in the urban area where that kind of dumping of the dead may both have been less feasible and also less desirable from a Serbian point of view. Logor Omarska had more of an isolated location. Logor Trnopolje was in a predominantly Muslim area. Both these latter camps had open land in their vicinity. Sometimes the graves were dug by camp inmates, sometimes small excavators were used. Some dead bodies may have been discarded in abandoned mine shafts, both in the Omarska and the Ljubija areas. Even larger numbers of dead bodies may have been dumped in open pits, especially in the Tomašica and Ljubija area, but possibly also in the environs of Omarska. Rudnika Ljubija is primarily an open pit mine with huge excavated areas. The dead bodies may have been covered with some kind of acid solution previously used by and available from the mining company - for the bodies to decompose more quickly and to reduce the stench. There are no reports of the use of chloride lime. Each pit used was reportedly filled with soil. Rumours will have it that bodies from Logor Omarska on occasion were thrown into two lakes not very far from the camp, where a certain specie of fresh water fish was feeding on the corpses; these allegations remain unconfirmed.

505. Information also suggests that pre-existing burial grounds, such as the Orthodox cemetery in Omarska, were used to inter dead camp inmates. The same is said to have been the case for a relatively new graveyard on a height in or near Prijedor town. (For more information regarding disposal of the dead, see Annex X, Mass Graves.)

IX. THE GENERAL SITUATION FOR THE NON-SERBIAN POPULATION

506. The following report was made by a rapporteur mission from the CSCE. On 31 August 1992, the mission met with Dr. Milomir Stakić, the SDS mayor of Prijedor and member of the Krizni Štab Srpske Opštine Prijedor, and visited the "Open Reception Centre at Trnopolje". The mission reports:

> Dr. Stakić: "In the first free elections since the Second World War the Muslim party won the election and were in power for one and a half years, and they took the opportunity it gave them to arm the most extreme parts of the Muslim population.
>
> This preparation had reached a culminating point at the end of April, beginning of May, when these armed groups put up barricades, and when they started shameful murders of the army of Bosanska Krajina and the police.
>
> As a result the army and police cleared the barricades when they left Prijedor on the road to Banja Luka. And as soon as they left the city the army and police were attacked and three police and soldiers were killed.
>
> In spite of our invitation to their representatives, religious leaders and well known citizens they did not come to talk to us.
>
> And why have I mentioned the religious leaders? When we went to search the homes of the religious leaders we found US made shotguns which in the US are forbidden for hunting.
>
> There were fighting and destruction, especially Karasec [Kozarac], a suburb to Prijedor, and several people were captured. We have called them to free the women and children and let them

go. They put the women and the children in the front lines and followed with their weapons. The police and army accepted these women and children and put them in buses and took them to safe havens.

In the course of the next few days army and police captured several thousand people and put them in Trnopolje to protect them from the fighting with the extremists. That is how it was started as a collective centre.

With the help of the ICRC we have transported some of the inmates to ? but there are still some left and we have evacuated those who want to leave this part of the country.

But we have also Muslims and Croatians in the camp who want to remain, around 10,000. They have normal identification papers for our police. They are not accused of anything and most of them are living in their homes but some are in the camp. A minority wants to go to Croatia and a majority wants to go to Western Europe.

We have had more than ten contacts with UNHCR where they have offices and tomorrow there is a delegation of UNHCR coming here and will discuss the future of those who want to go to Europe. Most of them have families in Western Europe and wish to leave this part of the country for fear of war.

We have certainly heard about Omarska where the people were caught with weapons, where 45 investigators interrogated the prison people and as a result 1,300 were transferred to the camp at Manjača and others either freed or transferred to the open camp here exclusively because their homes have been destroyed so they have to go somewhere.

With the help of local Red Cross and local economy and thanks to international help from ICRC we are trying to give them the minimum food and medicine. Those who are more ill go to the hospital here.

I welcome the arrivals of delegations who have come before you an you and hope there will be more help from outside. And we appeal to you to help us evacuate those who wish to go to these foreign countries to ensure safe passage to their destinations.

We are very grateful to you that you have sent the other mission to the Croatian side because we have Serbs who have been there for a year. And we would like to make it possible with help of you, UNPROFOR and ICRC to get them back."

COMMENT: Dr. Stakić was asked what specific help he wanted, with food and medicine.

Dr. Stakić: "Medicines first, food second."

COMMENT: Dr. Stakić was asked what he thought about the long term future.

[Dr. Stakić:] "I would like to say that we agree with the results of the London Conference. We see in these documents that have been accepted in London the possibility of ending the war . . . That makes us all suffer, and because I am the mayor of all citizens of Prijedor.

Neither Croats nor Muslims left this territory nor do we have the intention of kicking them out. There are some who hold appointments in the town and some are in the forces.

But the future is not clear because there is no electricity and the war is on. The communal government which just met had on the agenda food and heating for the winter, and Mr. Kovacic is president for the regional government [Dr. Mičo Kovačević, President of the Executive Board of the Assembly in Prijedor]."

Mr. Kovacic: "Usually we have the problem of feeding and healing all the population. If we do not have electricity, fuel and food, not only will we continue fighting but we will all become cannibals. We are trying to solve our problems as we can but trying to solve them for all the nationalities.

The situation with electricity is complicated because some parts have the generating power and others have the distribution. We are on 10% of power and industry is on 20% of normal production. I am appealing to propose that the energy blockade should stop.

The main problem is that the Muslims wage their war with electricity. The result is that no one has electricity and the CSCE can do something about it. It is much more important to have electricity than butter.

There are theories about food corridors. No fool will shoot at food aid. Another thing is to ask the Croats and Muslims to deblock Banja Luka airport because the airport works but we cannot use the airspace."

COMMENT: He was asked if the airport was used by the military.

[Dr. Kovačević:] "This airport is a civilian airport, however in wartime it is used for military flights. The only explanation we have for not opening it is that it is on the territory of Bosanska Krajina, Serbian territory. Very many commercial businesses we had cannot be run because of this."

Dr. Stakić: "There is equal treatment for all, some Muslim areas have not been touched by war. We support your ideas about negotiations and our representative Mr. Karadžić is ready to negotiate."

Mr. ? Member of the Regional Government: "You said that you could not imagine these three peoples not living together, was that in Bosnia and Hercegovina or Yugoslavia?"

COMMENT: "Bosnia and Hercegovina."

Mr. ? Member of the Regional Government: "In that case there is a lack of information. Bosnia and Hercegovina is the same as Yugoslavia. Europe accepted Slovenia, but does not look at 1.5 million Serbs in Bosnia and Hercegovina. Europe has recognized Bosnia and Hercegovina at the request of its president, who only represents 43% of the population.

Europe should know that dealings with Bosnia and Hercegovina, that part of Bosnia and Hercegovina is only a small part and what happened in Yugoslavia happens here.

The Serbs very probably accepted the cohabitation of three communities if it had not been for the declaration. The Islamic declaration made on the formation of an Islamic state in 1986 and which was incorporated into the political programme.

And the demographers have made projections that in less than 22 years the Muslims will be a majority of over 50%. And the Serbs, who are the oldest people, have no wish to find themselves in the situation of a minority."

COMMENT: Although the Muslims already had a majority in the elections.

Mr. Kovacic: "We have a problem with the exchange of prisoners. We appeal to you that in talks with Mr. Izetbegović you raise problems of exchange because the Muslim side will not accept exchange of prisoners."

Dr. Stakić: "When we proposed the exchange of prisoners of war we were told that these people were not Muslims and to get Serbs back they ask flour and guns, following the law of Jihad."

COMMENT: At this point we were shown what was claimed to be Muslim currency. We were unable to take a photocopy because there was no electricity, however I asked for one.

The point was made that prisoners of war exchanges were important, and they were asked if people who were exchanged would be allowed back to their original villages.

Mr. ? Member of the Regional Government: "We have released a certain number of prisoners from the camp who were from here and who still are around but in proposing an exchange we take a risk because we know as soon as they go back they will be mobilized and fight against us. We have already had experience of this."

Dr. Stakić: "Kozarac is still not a safe place because the extremists still come back and shoot and yesterday we had two casualties and they were killed and set on fire. These groups have withdrawn to the Kozara Mountain and they come into town and do things and although we have soldiers and patrols they cannot solve it. Experts in this sort of thing have come and they say it could last 6 to 12 months. Hitler had 10,000 troops and in four years he did not get rid of the fighters there.

When we insist on not calling it [Trnopolje] a camp it is because the Serbs from here know very well what a concentration camp is, particularly on the other side."

Mr. ? Member of the Regional Government: "Insisting on the idea of an exchange of prisoners of war because quite a few of them when released try to go to other countries. There would be less people leaving Bosnia and Hercegovina if there was an orderly exchange of prisoners of war."

General impressions: The version of the events that led to the opening of Trnopolje that we were given by the Mayor was in stark contrast to that given by the people we spoke to in the camp.

Conclusions: The authorities insist that they are acting in the best interest of all the people in their area, and that they have no desire to get rid of the Muslim population, however this just does not match what they are actually doing. Against this background it is very hard to draw conclusions based on what is said.

The conclusions to be drawn from what we have seen is that the Muslim population is not wanted, and is being systematically kicked out by whatever method is available.

507. According to an interview of Simo Drljača (chief of the Serbian secret police in Prijedor and member of the Krizni Štab Srpske Opštine Prijedor):

Vujakovic: "What conditions should be met and what would have to happen for the Opština police to do its job as it should be?"

Drljača: "What would have to be done in order that the SJB [the Public Security Service, see Chapter V.A. supra] should work as it should? As long as there is a war, one should know who is a soldier and who is not. The common phrase that we are all soldiers is very dangerous, and it happens that a uniform is worn by sick people, criminals and others, and the same goes for the police. Besides the SJB also other state institutions have to function: the Inspection, the Prosecutor's office and the Primary court. It is very difficult to explain to the citizens that the majority of murderers in Prijedor have been taken and examined, but that they now defend themselves in liberty."

Vujakovic: "At one occasion you stated to Radio Prijedor that you should be replaced because due to peace in the house you had not told all that you know. What is it that you have not told?"

Drljača: "I know that many Serbs had their Muslim or Croatian [personal enemy] and that many succeed, through different channels, to get notorious Ustašas out from Omarska, later to boast of having killed them. And now these people send messages from abroad. I know that many have, legally or illegally, transferred their firms to Germany, and now they beat their breasts claiming to be great Serbs. I know that no war in history has passed without robbery (also this one), that the myth about the Serbs has been destroyed. I know that some of my policemen transported for money Muslims and Croats to the border, and the only thing I did was to kick them out of the police. I know that we did not succeed efficiently to prevent robbery of property (as was the case in every town in Republika Srpska), because this is common practice. I know and have evidence of all stolen goods. When the war is over, if the authorities demand it, we will take it back. I know that we need not take it now, for if we take it and give it back, these other people will just disperse it and take it away.

I know that a bloody war is right in front of us and that is why I still only know this."

Vujakovic: "Will you now, as a vice minister and with your good knowledge of local affairs, 'open your cards' and go to the end in revealing the illegal things that you have evidence about?"

Drljača: "The moment we have built a society with civil rights, we will reveal much (at present) unknown things. It will be enough for our state to proclaim all kinds of war profiteering illegal, and that the state instruments (police, prosecutor, court) will be well paid for their job."[35]

508. During the two months of the Serbian military campaign - from late May to late July 1992 - all the main clusters of non-Serbian habitations were visited (see Chapter VII. supra). Targeted in the military operation were the non-Serbs as such - their persons and their bonds to the district. The military crusade was the single most dramatic component of the "ethnic cleansing" process after the Serbs took power. But, the "ethnic cleansing" was not finished with the major military operations. On the contrary, there were also other modi operandi aimed at achieving the "ethnic cleansing" - these were methods applied both in tandem with and after the military operations, involving in part new Serbian cohorts. To understand the rigour of the new Serbian order, as perceived by the non-Serbs, it is necessary to

recognize the interrelation between the different means of the "ethnic cleansing" and the interaction between the Serbs involved on the different levels and in the different operations.

A. Evictions

509. Given the way the Serbs focused on weapons prior to taking power and immediately after that, many non-Serbs believed that after their homes and habitations had been ransacked for arms the situation would be normalized. Thenceforth, they would be permitted to move around freely again, and their homes would be respected, they thought. Little did they foresee the Pandora's box of disasters which the "ethnic cleansing" would actually become.

510. To remove the non-Serbs from the district, the Serbs targeted both the non-Serbs themselves and all that made them feel at home in the area. The general social accord that no one shall be subjected to arbitrary interference with his or her privacy, family and home was no longer applied by Serbs via-à-vis non-Serbs.

511. Homes of non-Serbs were searched, pillaged and/or more or less destroyed. It seemed as if the non-Serbs could be evicted at the behest of almost any Serb. Initially, the perpetrators were military or paramilitary personnel and/or police or people seen to cooperate directly with them. Later, attacks on non-Serbs seemed to become a free-for-all - for the common purpose of "ethnic cleansing".

512. The evictions had several implications. The practical consequences were immediate as the evicted persons thereby became homeless. For a majority, this meant that they had to seek shelter with people they knew as there were not many other alternatives. Unless the evicted were deported at the same time, they could not just leave the district for somewhere else later. Sooner or later, most of the evicted people were probably simultaneously deported. In the meantime, many of them found temporary shelter with relatives or friends.

513. To be evicted did not have only practical implications related to basic material needs, it also had other tangible and emotional consequences. For most people who find certain aspects of the society at large difficult to relate to, street violence being one example, their homes are where these persons may retreat. When both one's person and home is targeted, the threat to person may be perceived as ubiquitous and even more so when one is also prevented from leaving the area temporarily or even permanently on one's own initiative.

514. Evictions, sometimes repeated evictions for the same people, became a harsh and influential messenger between the Serbs and the non-Serbs conveying the central idea that the non-Serbs were no longer to consider themselves at home in the district. For many people, the physical existence of a home per se, next to family relations and social networks, ties them strongly to the geographical location of the home.

515. For many, the actual eviction did not merely result in them having to seek alternative housing, but they were actually at the same time evicted from their immediate community, such was the case when the Kozarac area, the non-Serbian villages on the left bank of the Sana River, and entire suburbs of Prijedor town were purged. These evicted people were simultaneously exiled from their social networks and social settings as such, even their outer cultural frame of reference was disrupted.

B. Persecution of individuals

516. Already prior to the military attacks on the different non-Serbian habitations, prominent members of the non-Serbian groups were seized and "disappeared" into detention. Soon the existence of the newly opened concentration camps, Logor Omarska and Logor Keraterm, became common knowledge, but most people still knew little more about the camps. Also during the military attacks, specific individuals of high social rank or otherwise regarded as leaders were singled out for execution or, at least at first, incarceration in the concentration camps. Other non-Serbs in high positions were arrested later, in their homes or wherever they were caught sight of, to have the same destination not to say destiny as the other non-Serbian leaders.

517. A renowned Muslim recounts:

> "In early June 1992, he was walking on a street in Prijedor town as a private car stopped and three or four military men jumped out and took him with them in the car to the military barracks near the airport. There he was left in the car for about ten minutes before he was taken to Keraterm. In Keraterm - or actually in an office just across the street from the camp, an office used in relation to road repairs - he was kept an eye on by a guard as he was waiting. A Muslim colleague of his was also brought in. A Serbian inspector together with a judge, and another man questioned them. [The three Serbs are identified, but their names are not disclosed for confidentiality or prosecutorial reasons.] The Serbs then let the Muslims go without having mistreated them.
>
> In the building where he lived there were 74 flats in addition to his, the residents were from all the three different ethnic groups. At this time all Serbian males were in uniform and carrying weapons. A watch routine was arranged so that the residents had to take turn to sit in front of the building and note down who was coming and who was going.
>
> On 24 June 1992, he was on duty in front of the building, a Mercedes with his neighbour [an identified Serb political leader whose name is not disclosed for confidentiality or prosecutorial reasons] stopped in front of him, and he was taken to the police station in Cele. There he was detained with seven other men [whose names are not disclosed for confidentiality or prosecutorial reasons] - one of the seven, a cafe owner from Prijedor town, was later killed in Logor Omarska. At 22.40 hours that same evening they were beaten with batons, and the people maltreating them were swearing at them calling them Ustaša devils. Thence they were transported to Logor Omarska, stopping several times on the way."

518. As long as Logor Omarska and Logor Keraterm were still open, one or more buses of new captives arrived to these camps almost daily, also on days when there were no major military operations.

519. Family members of the "disappeared" or arrested leaders were vulnerable without their heads of family around, and as the "stigma" given to the head of the family by the Serbs also reflected on the rest of the family. Moreover, many were desperately unwilling to leave the district whatever other difficulties they faced, as they were afraid to give up whatever chance which could possibly arise to safeguard the well-being or at least the life of the head of the family.

520. Later, when Logor Omarska and Logor Keraterm had been closed, some former detainees, who eventually were released, were searched by, inter alia, the intervention unit of an identified commander, whose name is not disclosed for confidentiality or prosecutorial reasons, and killed (see Chapter XII.A. infra).

C. The non-Serbs as de facto outlaws

521. The core of the "ethnic cleansing" policy was a general climate in which all non-Serbs as such, not merely individuals in their personal capacity, were targeted. Everyone who was not a Serb was as such ostracized, and could at any time be subjected to persecution. Never knowing when severe difficulties would arise and their character was in itself an ordeal for many non-Serbs.

522. After the Serbs took power on 30 April 1992, the non-Serbs lost their general legal protection. The existing court system with judges and lawyers stopped functioning. Tentatively the court system was rebuilt with Serbs, but obviously only with people who were prepared to compromise, to say the least, and tolerate a reign of no justice for more than half of the population of Opština Prijedor - the non-Serbs. The entire police structure was immediately replaced by a pre-organized fully Serbian police organization. Non-Serbs could be harassed or subjected to just any kind of persecution for the sole reason that they were not Serbs. The situation was aggravated already when the first disappearances and arrests of leading non-Serbs started, and became extreme when the main Serbian military operations commenced.

523. As prominent non-Serbian citizens were targeted first and the majority of them were men, the lawlessness for those left at liberty, more or less temporarily, plagued the more unprotected segments of the non-Serbian society in particular: the young, the old, and not the least women of all ages. There was no longer any respect for non-Serbian property rights, and worse, there was not even any respect for the personal integrity and dignity of the non-Serbs, not even for their lives. Not only military or police, but other civil servants and any private individual or group of such - be it neighbours or former competitors of any kind - could do as they pleased knowing that they would de facto have impunity. For thefts, harassment, threats, sexual and other abuses, even killings, there was no prospect of any punishment for the perpetrators. Rapes under these circumstances were probably as frequent as the nights, but happened also often in broad daylight. Bodily and mental harm to the immediate victims and their next of kin became elements of the "ethnic cleansing" policy. The more or less overt message was always the same: There was to be no decent living and no room at all for non-Serbs in the district.

524. On occasion, the persecution even took the shape of small-scale military attacks on non-Serbian homes and massacres of many, if not all, their inhabitants.

D. A climate conducive to the departure of non-Serbs

525. After the major Serbian military operations in late May and early June 1992, non-Serbs started to depart or rather flee Opština Prijedor on "their own initiative". For some it was the consequence of having had to seek temporary shelter elsewhere as their habitations and homes were attacked. Other groups had been targets of other kinds of persecutions. Some only left after they (or one or more family members) were released from a concentration camp. As the mene tekel was crystal clear, some left as a preventive measure.

526. Those leaving on "their own initiative" normally departed by road,

buying tickets on Serbian-provided buses and trucks out. This transport was frequently not any safer than the transport for those deported by road (see Chapter X.C. infra). Often there was simply no distinction made between non-Serbs leaving Opština Prijedor of their own volition and the deportees. One member of the Krizni Štab Srpske Opštine Prijedor, who was engaged in the local Red Cross (his name is not disclosed for confidentiality or prosecutorial reasons), allegedly had people pay DEM 50 per person to be transported in Red Cross vehicles towards Travnik.

527. The Serbian leaders even organized an Office for Population Resettlement and Property Exchange where people who had not yet been deported and who "wanted" to leave were to register their property as available for a Serbian family, before they joined a convoy out. The non-Serbs wanting to leave also had to sign forms entitled "requests of voluntary emigration for economic reasons". According to an interview of Simo Drljača, there were more than 20,000 visas, guarantees and requests for voluntary emigration for economic reasons signed (see Chapter X.D. infra).[36]

528. "Exit-visas" for non-Serbs were a stock-in-trade at the time. Relatives of prisoners who had been incarcerated in Logor Keraterm or Logor Omarska sometimes tried to approach the police station in Prijedor town. Instead of gaining information concerning the whereabouts of their family members, they were in some cases told that it could possibly be an alternative to opt for buying an "exit-visa" for the family at large.

529. People who got, or rather paid to get, their "exit-visas" had simultaneously their names deleted from the census. Thenceforth, they were literally and practically non-existent as citizens. For more details about the situation for the non-Serbs who obtained "exit visas", see Chapter X.D. infra.

X. DEPORTATIONS

530. A key to understanding the nature of the conflict in Opština Prijedor is to recognize that the non-Serbian population was not fleeing from a war in the district. Their departure was not a side effect of an armed conflict. Conversely, their removal was exactly what the Serbs used military might to achieve. The aim of the entire operation was the "ethnic cleansing" of Opština Prijedor, i.e. to remove the non-Serbs so that the population which would continue to live on in the district would be almost exclusively Serbian. One consequence of this is that the classification "deportees" is more correct than "refugees" for the vast number of non-Serbs who de facto left Opština Prijedor. "Deportees" here meaning people with a particularly distinct need for protection in addition to what is characteristic for refugees at large.

531. The events in Opština Prijedor are unfortunately no aberration in this respect. The "ethnic cleansing" is the core of the Serbian military operations in BiH. It may even be argued, as some observers do, that the events in Sarajevo - where there is a more traditional theatre of war with all its horrors - are staged, in part at least, to take away international attention from the eradication of entire ethnic groups in areas where there has not even been any real war, only tremendous abuse of military power - such as in Opština Prijedor. Similarly, to some extent, the destruction of cultural heritage in the Croatian city of Dubrovnik diverted international attention. With an aura of history and fame both Sarajevo and Dubrovnik kindle media attention easily. At the same time, both cities were flourishing multi-cultural centres, and as such a thorn in the flesh of those aspiring after mono-ethnic power bases.

A. From Logor Trnopolje and other detention areas

532. Most of the deportations from Opština Prijedor were staged from Logor Trnopolje, from which they started the last week of May 1992 - the very first period when non-Serbian children, women, and elderly men were rounded up in the district. Later, more improvised detention facilities, such as the stadium in the suburb Tukovi in Prijedor town, also became staging areas for deportations. Some non-Serbs were even loaded on buses and trucks for deportation straight from their home areas in the wake of the military assaults on these areas (see Chapters VII.B., VII.C. and VII.D. supra).

B. Deportations by rail

533. Large groups of deportees were sent off on trains to Muslim and Croatian held areas in central BiH. The destination for the trains was primarily Zenica. At least one group of deportees was let off the train in Doboj, from where the deportees were ushered ahead on foot in the direction of Tuzla.

534. Frequently, the deportees were cramped into cattle wagons having at best only barred windows high up on the walls of the wagons. The passengers were not provided with water or food, and they had no access to toilets. They sometimes had to endure such constraints for periods from two to five days before reaching Zenica. There was little fresh air during the transports. It was mid-summer and generally very hot in the daytime. Even when trains stopped for some time, the deportees were deprived of any opportunity to leave the trains. Some babies, small children, elderly, and sick people did not survive the railway transport. Even to remove the dead bodies from the cattle wagons or to have them removed was not permitted.

535. When the Serbian police chief of Banja Luka, Stojan Zupljanin, was later asked by a visitor about the cattle car transports, he explained that there had merely been a certain number of citizens who had expressed a wish to move to central BiH. For these people, the Public Security Centre in Banja Luka (see Chapter V.B. supra) and the Public Security Service in Prijedor (see Chapter V.A. supra) arranged the mentioned "safe transportation for them". Not to allow the passengers food, water, access to toilets, etc., was "just a means of security". The trains (cattle wagons among them) were all that could be provided under conditions of war - the railway authorities had asked everywhere for better facilities. Stojan Zupljanin concluded by stating that none of the passengers had said that they would not go if they were not provided with passenger wagons - "Anything is better than to walk."

536. A Muslim political leader in Banja Luka apparently saw it differently. Calling on 9 July 1992, he said:

> "Please try to come here. There is a lot of killing. They are shipping Muslim people through Banja Luka in cattle cars. Last night there were 25 train wagons for cattle crowded with women, old people and children. They were so frightened. You could see their hands through the openings. We were not allowed to come close. Can you imagine that? It's like Jews being sent to Auschwitz. In the name of humanity, please come."[37]

C. Deportations by road

537. Large-scale deportations on buses and trucks took place from the very beginning. A few were taken the shorter and relatively safer way to Bosanska Gradiška on the Croatian border. The majority by far were deported on buses

and trucks down through the desolate and mountainous area of the Vlašić Mountain towards Travnik in central BiH. The last leg of this trip the deportees had to finish on foot. Their first destination on the road to Travnik was Turbe, the first larger populated area on the other side of the front line - outside Serbian control that is. From the place where the deportees were dumped from the trucks and buses, they had to walk almost 30 kilometres across the front line to reach Turbe. United Nations military personnel, having passed through the same area later, recount that especially the last part of the journey - in the area where the deportees had to start walking - the United Nations military men had an eerie feeling. Along the narrow road high up on the mountainside, personal papers, such as passports, were strewn on the roadside as were children's clothing and women's underwear. The United Nations military personnel interpreted this to mean that the deportees had been deprived of whatever little bundles of private belongings they still possessed.

538. Some deportees allegedly were singled out and killed on the roadside. Their dead bodies were thrown off the road and down along the mountainside. Moreover, Serbian soldiers were shooting in the air above the deportees as they started walking, and parts of the terrain, which the deportees had to walk through, were mined.

539. It is with reference to such deportations from northern BiH at large that the ICRC in its position paper of August 1992 regarding The Establishment of Protected Zones for Endangered Civilians in Bosnia-Herzegovina wrote that:

> "Forced and unprotected massive transfers of the population to central Bosnia-Herzegovina are totally unacceptable and cannot go on. Too many civilians, while forced to cross the front lines on foot, have already been killed either in the crossfire of combatants, as there is no cease-fire, or deliberately by snipers."

540. Sometimes the trucks used for deportations were closed army trucks having many of the disadvantages as the cattle cars on the railway. Some deportees reportedly did not have the physical strength to sustain life under such conditions. Also the latter reached their final destination on the roadside - normally in the area where the survivors had to start walking.

541. Deportations by buses and trucks were under the supervision of the intervention units as used by the Serbian military (see Chapter V.C. supra). The soldiers from the intervention units were reportedly no more benevolent or lenient towards the deportees than they were in carrying out other of their functions. Concerning the mass-killings on the Vlašić Mountain, see Chapter XII.D. infra.

542. Ordinary and paramilitary soldiers participated in arranging the deportations. Reportedly, it happened several times that a soldier grabbed a non-Serbian child and forced a pistol into the child's mouth or held a knife against its throat. Simultaneously a plastic bag was thrown into the truck with deportees and an amount of money was demanded lest the child be executed. No child is said to have been killed under such circumstances; but the menace was a means of terror and extortion. Reported are also a variety of other crimes allegedly committed by these soldiers.

D. Property rights and re-entry to Opština Prijedor

543. From the very inception of the Srpske Opštine Prijedor, looting of non-Serbian property was a problem. In a sense, it commenced already when the

Serbs started impounding weapons legally held by non-Serbs. This was not a confiscation, i.e. it was not authorized by the lawfully elected authorities and it did not augment the State coffers. Pillaging on a large scale followed in the wake of the military attacks on non-Serbian homes. As the people were forced to flee their homes and real estate, everything left behind was considered bounty by the attackers and other Serbs. As those forced to leave their homes rarely brought with them more than they could carry with them or rather on them, there were complete homes and hitherto productive and fully functioning communities to be plundered.

544. An article in Kozarski Vjesnik relates a statement made by Bogdan Delić (the new chief of the Serbian police in Prijedor) at a meeting in the district assembly:

> "Delić said that 'approximately 50,000 residents of other nationalities had lived in this district, and their assets were unofficially estimated at several billions DEM. Some of the assets were destroyed during military operations, but at large they were preserved - although only for a short period of time. By various machinations, the whims of individual members of the local police, army and civilian authorities, and the governing political party - the largest part of the . . . "preserved assets" disappeared. . . .
>
> While carrying out their tasks at their stations and in the field, military and civilian police and citizens confiscated large quantities of goods, motor vehicles [e.g. the Kozarac area alone had some 4,700 private cars], cab units, trucks, agricultural vehicles, and various technical equipment and other devices, and handed them over to the units that the above-mentioned governmental bodies established for this particular purpose (Keraterm, TZS, Velepromet, and other storehouses). It may be stated with certainty that those storehouses have been emptied in a short time, and that the greater part of the resources have either been transferred to Serbia through private agents, or have been expropriated by private individuals.'"[38]

545. Furthermore, a large-scale transfer of machinery, industrial equipment, cars, etc. soon started from Opština Prijedor as such. Reportedly, even most of the machinery of significant value from Rudnika Ljubija were removed for use in Serbia so that the mining company now is non-operational. Similarly, the main equipment from other factories and plants in the Opština was allegedly relocated out of the area. The consequence of this is that Prijedor has been left with hardly any on-going industrial production as the cornerstone production units of the local economy have been made non-operational. This means a lack of income-generating possibilities for the Opština as such. Although the main workforce in the depleted industries may have been non-Serbian, this draining of material resources will have longer term consequences also for the Serbian population. An article in Kozarski Vjesnik addresses how "war profiteers sacked Prijedor . . . on the model of the Sicilian mafia".[39] The article cites a leader from the Serbian Democratic Union - the National Front, inter alia, saying that:

> "tens of electric motors, assembly lines and other valuable objects have disappeared from the workshops of the Ljubija mine and other Prijedor enterprises. . . . We must ask ourselves how these enterprises are to continue their work once the situation settles down. 6,000 heads of cattle have been stolen and transferred to Sremska Mitrovica and Šid [both in Serbia proper]. . . .
>
> . . . large quantities of sawn lumber from the Kozarac saw-

> mill have been taken across the Republic's borders under mysterious circumstances, while the Kozara forest has been mercilessly destroyed. Somebody will have to answer for the disappearance of certain gang mills and other equipment from the local saw-mills."[40]

546. The Serbs have unilaterally taken over all communal property in Opština Prijedor whether it still remains in the district or has been brought out of it to other areas. The communal property belonged, as always, to the community at large - a community in which the Serbs had made up approximately 42.5 per cent of the total population before the upheavals. Non-Serbs as well as Serbs had built up the communal property and contributed to it together.

547. The Serbian authorities have been issuing so-called "exit-visas". These visas were provided only after the adult non-Serbian person who "wanted" to leave Opština Prijedor, had filled in a form to the effect that the person renounced all personal property rights and transferred them to the Serbs. The person was never to return to the area. By signing this document, the person would become "stateless" (or rather with no rights to remain in this or other Serbian-controlled areas). After having signed, the person normally had 14 days to leave the area. Sometimes, there was no way of getting out of the area within that time limit, but the non-Serb was none the less bound by his or her pledges. Bribes were needed at every level and, moreover, an entry-visa to be admitted into Croatia. Even though extensions to stay were granted temporarily, individuals were hunted when their time expired. Whether "exit-visas" are still available is unclear (see Chapter XIII.G. infra).

548. In this context, it is noted that the "Agreement on the Release and Transfer of Prisoners" of 1 October 1992 contains, inter alia, the following provision:

> "Article 11 Validity of documents
>
> (1) Any document, including a document renouncing or transferring property rights, assets or claims, signed by a prisoner who is to be released or transferred has no legal validity and does not in any way affect that prisoner's rights or obligations.
>
> (2) Paragraph (1) is also applicable to documents signed by civilians to be transferred to an area other than their area of former residence."

549. The Agreement was initiated by the ICRC and accepted among others by Mr. D. Kalinic, "Representative of Mr. Radovan Karadžić, President of the Serbian Democratic Party", Mr. M. Popadic, "Liaison Officer of the Serbian Democratic Party", and Mr. A. Kurjak, "Representative of the Party of Democratic Action".

550. In April 1993, Simo Drljača claimed that the Serbs had issued a total of more than 20,000 "exit-visas" for non-Serbs from Opština Prijedor. In the interview printed in Kozarski Vjesnik, Simo Drljača stated that:

> "What enormous task was undertaken in the administrative-legal service [by the Public Security Service, the SJB, see Chapter V.A. supra] is seen from the fact that departure was orderly registered for more than 20,000 citizens of Muslim and Croatian nationality, due to emigration [or removal]. When German TV came in order to prove that we force Muslims and Croats to leave, we presented them with more than 20,000 visas, guarantees and requests for voluntary emigration for economic reasons."[41]

551. The visa material may provide highly interesting information about the

people leaving - names, family relationships, sex, age, residence in Opština Prijedor, time of departure, etc. This information ought to be compared with the updated census of the population in the district or even the telephone directory as existing prior to the disruption. Together these sources may contribute an informative overview of the demographic changes in Opština Prijedor following the Serbian takeover in April 1992 - also concerning non-Serbs not registered for "emigration".

X. DESTRUCTION OF CULTURE

552. There is no real distinction in biological terms among the three main "ethnic" groups - the Serbs, the Croats and the Muslims - in Opština Prijedor and in BiH at large. Differences among the groups are primarily related to culture and religion. This is probably one reason why the various expressions of culture - religion included - became an explicit target for the Serbian military campaign.

553. The cultural heritage and the expressions of a flourishing culture give people a strong sense of attachment also to a specific geographical area. By erasing the cultural frame, the Serbs further estranged the non-Serbs from the district.

A. Material destruction of cultural property

554. In Prijedor town, the following five mosques - and all objects and buildings belonging to them such as mausoleums and religious schools, etc. - were destroyed:

(a) the mosque in the centre of the town in Maršala Tita Street;
(b) the mosque in Stari Grad;
(c) the mosque in Muharema Suljanovića Street, the suburb of Zagrad;
(d) the mosque in the suburb of Donja Puharska; and
(e) the mosque in the suburb of Gornja Puharska.

555. It is said that in the Kozarac area all 16 mosques have been destroyed.

556. It is actually claimed that not a single mosque, or other Muslim religious building in the whole of Opština Prijedor has been spared and remains intact. Most religious constructions are not only damaged, but reduced to rubble. The sacral edifices were allegedly not desecrated, damaged and destroyed for any military purpose nor as a side-effect of the military operations as such. Conversely, most of the destruction was due to later separate operations of dynamiting. At least on one occasion, some non-Serbs and Serbs concerned alerted the local Serbian police that a mosque in Prijedor seemed to be in the process of being dynamited. The police reportedly refused to take any action and even stated that the police were not opposed to the destruction in progress.

557. Also, other buildings and habitations considered as typically Muslim have been demolished. The Old Town in Prijedor town, Stari Grad, was one such area with strong Muslim architectural influence. After the Serbian forces purged the area, Stari Grad was levelled almost completely, including a number of new houses which had been erected according to Muslim traditions (see Chapter VII.C. supra).

558. The Catholic churches and religious buildings in Opština Prijedor listed below have allegedly been destroyed and damaged as follows:

(a) the parish church in Prijedor (built in 1896) was destroyed on 29 August 1992;
(b) Kozarac church, affiliated with the Prijedor Parish, was heavily damaged in June 1992;
(c) the parish church in Ljubija was burnt down and heavily damaged in June 1992;
(d) the pastoral centre in Ljubija was damaged and looted in the period between July and August 1992;
(e) Briševo church, affiliated with the Stara Rijeka Parish, was burnt down in July 1992;
(f) the Sunday school hall and rectory in Briševo was burnt down in July 1992;
(g) the parish church in Šurkovac was destroyed in March 1993;
(h) the pastoral centre in Šurkovac was heavily damaged in the period between July and December 1992 and sustained further damage in the period between January and March 1993;
(i) Tomašica church, affiliated with the Sasina Parish, was destroyed in November 1992;
(j) Donja Ravska church, affiliated with the Ravska Parish, was destroyed in July 1992.

559. The sacral institutions were allegedly desecrated, destroyed and damaged for no military purpose and not in connection with any military activity as such.

560. A Serbian official in Banja Luka, who later was asked about the destruction of mosques and churches, responded that a number of such buildings had been misused as convenient places for battle. Being tall and of solid construction, mosques and churches were suitable for snipers to shoot from. "From that point on", these buildings "cease to have sacred importance", he added. Obviously, every building fitting a sniper has not been razed in Opština Prijedor. On the contrary, there is no report of any general communal or Serbian construction in the district which was levelled to prevent snipers from misusing it.

561. According to an article printed by the Ministry of Information of the Republic of Serbia (i.e. Serbia proper), not a single Serbian sacred object has been destroyed or damaged in Opština Prijedor.[42] The map, which is attached to the article, shows destruction and damage related to Eparchy seats, monasteries, religious service objects (cathedrals, parish churches and chapels) and parish seats, and other church objects.

562. Save for buildings not specific to the non-Serbian traditions - especially in Prijedor town - most of the non-Serbian homes and habitations have been severely damaged, if not completely destroyed. Large-scale devastation is the case in the Kozarac area (see Chapter VII.B. supra) and in the villages and hamlets on the left bank of the Sana River (see Chapter VII.D. supra). Heavily damaged are not only the variety of architectural expressions, but also the outer frame for the sociological and anthropological expressions of the pluralistic culture in the district.

B. Destruction of immaterial expressions of culture

563. The material destruction of non-Serbian cultural property has obviously had implications for both spiritual and other immaterial aspects of the same culture. This in addition to the fact that the main bearers of the traditions - the different non-Serbian groups and their leaders, religious leaders, and artists among them - having been exterminated or deported, leaves limited traces of the living non-Serbian cultures in Opština Prijedor. The non-

Serbian cultures, with religious and secular aspects, have furthermore been ostracized and targeted as such for dismantling also through the persecution of the remaining non-Serbs in the area (see Chapter IX.C. supra). The non-Serbs still living in the district have more than enough with securing their physical integrity (see Chapter XIII.G. infra) that they should not also provoke antagonism by trying to revive in public their non-Serbian cultural characteristics - despised as these are by the Serbs in power. By exiling non-Serbian cultural expressions to the private domain of a, in every sense, deprived and marginal population, the non-Serbian cultures as such are almost totally ruined in the district.

564. The destruction of the broad platform of the multi-ethnic culture in Opština Prijedor makes an impact not only on the non-Serbian aspects of this culture, but on the local cultural situation as such. Being Serbian in Opština Prijedor - in interaction with the non-Serbian majority population - was probably quite different from being Serbian in an all Serbian environment. It takes little imagination to foresee that the devastation of large parts of the local culture in combination with the violence utilized to accomplish the destruction, will create, in part, a cultural vacuum in an overall situation which is dominated by negative and destructive forces. This is undoubtedly a threat also to what was known to be the Serbian culture in Opština Prijedor with its "Kozara brotherhood".

565. Traditional names, which were used in the multi-ethnic society but which under the Serbian regime are considered inappropriate, have been or are to be altered to satisfy "the wish of the Serbian people". The pre-fix "Bosnian" is deleted.

566. In general, there is a strong Serbification not only aimed at excluding everything non-Serbian but also at eliminating anything specific for the Bosnian Serbs, to make the latter group homogeneous with the Serbs in Serbia. One thing is that now the Latin alphabet has been replaced by the Cyrillic script. Problems arise, however, when even, as now, the Bosnian Serbian written language (the Jekavian dialect) is ostracized, and replaced by the written Serbian language used in Serbia (the Ekavian dialect). The latter has made even the Serbian Academy of Sciences in Belgrade, the incarnation of Serbdom, protest what they consider to be cultural linguistic destruction. There are also other signs of harmonization which means replacing anything genuine or distinctively Bosnian with what is main-stream Serbian.

XII. FINALIZING THE MAIN PHASE OF THE CATASTROPHE

567. The main purpose of the Serbian manoeuvres in Opština Prijedor was "ethnic cleansing" of the non-Serbs to secure a homogeneous Serbian district. If the Serbs could achieve their objective of "ethnic cleansing", it already looked as if that would be rewarded by the international community. A pure or almost pure Serbian population appeared to be the precondition for Serbian territorial supremacy. What was new was that it seemed as if an internationally recognized State - here BiH - could be divided up along ethnic lines when at the same time very little, if any, attention was paid to the means used to make the population in the respective areas homogeneous. Peace proposals along such lines were soon to be made by peace negotiators appointed, inter alia, by the United Nations. How can one of the most basic concerns of the United Nations - to liberate mankind from the odious scourge of genocide (see the Preamble to the 1948 Genocide Convention and Part Three, Chapter II. infra) - be achieved, when it de facto may be remunerated by the United Nations?

568. The main phase of the "ethnic cleansing" in Opština Prijedor came close

to a natural completion as the principal non-Serbian habitations had been wiped out and most of the non-Serbs exterminated or deported. Left of importance were primarily the concentration camp inmates in Logor Omarska (see Chapter VIII.A. supra) and Logor Keraterm (see Chapter VIII.B. supra). These were the leaders of the non-Serbian community. Although their numbers had been much depleted already, even their limited continued presence could possibly still promote a return to the area of non-Serbs and be conducive to claims to this end.

569. During the first year of conflict in the former Yugoslavia, the international community primarily reacted with a combination of inertia and appeasement - keeping its distance from what was considered merely a civil war and "a blood feud" grown "out of age-old animosities". Under these overall circumstances, the power change in Opština Prijedor was initially not taken much notice of internationally. Naturally, one may say. There was not even war in the district, and Opština Prijedor was not the only district in the former Yugoslavia producing deportees.

570. Little by little, however, the story of the non-Serbs, arriving especially in central BiH, reached the international community. At first, it was the aid agencies - organs of the United Nations among them - which received the testimonies, personal accounts of agony, and allegations of massive violations of international humanitarian law. At the same time, or probably even earlier, the different foreign intelligence entities operating in the region knew essentially what was happening. Finally, the charges reached the media. On 2 August 1992, the New York tabloid Newsday printed a report by journalist Roy Gutman headlined "The Death Camps of Bosnia". The reports were based on eyewitness accounts. One former detainee told of routine daily slaughter in Logor Omarska. The newspaper article made an immediate impact in the Western world. This was the time when the leader of the Bosnian Serbs, Radovan Karadžić, told visitors that:

> "The Serbian side energetically denies the existence of camps for civilians anywhere in the Serbian Republic of Bosnia and Hercegovina. There are some prisons for war prisoners established according to law and which the Serbian side always offered for exchange."

571. Within days, the first foreign television crew asked access to Logor Omarska, and by mid-September 1992 some 360 reporters had visited Serbian-controlled BiH. The media attention was de facto life-saving.

A. Closing of the concentration camps

572. Ahead of schedule, the Serbian leaders hastened to clean up and close down both Logor Omarska (see Chapter VIII.A. supra) and Logor Keraterm (see Chapter VIII.B. supra), as especially Logor Omarska became a focus of world attention. Also, Logor Trnopolje (see Chapter VIII.C. supra) improved image-wise in this washing-of-hands-operation. As writes journalist Ed Vulliamy:

> "Four days after our visit to Trnopolje, the fence came down and the authorities had painted a sign above the entrance in English, for the benefit of the descending television circus, reading: 'Trnopolje Open Reception Centre'. But the armed guards and the beatings and the atrocious conditions continued."[43]

573. The concentration camp first emptied was Logor Keraterm. From there, all the prisoners were ostensibly taken to Logor Omarska or Logor Trnopolje. The young and the old were almost all taken to Logor Trnopolje, the rest were

divided between Logor Omarska and Logor Trnopolje. Those immediately recognized as more important were taken to Logor Omarska.

574. As concerns Logor Omarska, on 6 August 1992, 1,360 camp inmates were transferred to Logor Manjača (in the Banja Luka area), 700 prisoners - the younger and the older ones - were transported to Logor Trnopolje, and 175 men were locked up in the garage in Logor Omarska. Prior to the transfer of male prisoners to Logor Trnopolje, 31 female prisoners were sent there from Logor Omarska. Five female prisoners remained detained in "their" rooms above the "canteen" in Logor Omarska. The same night - the night of 7 August 1992 - beds for the first time arrived at Logor Omarska.

575. On 5 August 1992, a last bus with captives from outside came to Logor Omarska, but these prisoners were moved that very same night. Allegedly, they would be used as farm labour in the area of Banja Luka. Later, it was stated that these people had been taken to a camp named Topola to which the ICRC had no access. These prisoners were former inhabitants of villages on the left bank of the Sana River, for example, from Rizvanovići. At least one of the men from this group may at present be kept in a detention centre - probably a mine - at Aleksinac in Serbia. It is also reported that a former detainee from Logor Keraterm died in the camp in Aleksinac.

576. On 22 August 1992, the male prisoners still remaining in Logor Omarska were taken to Logor Manjača. On 23 August 1992, two women (whose names are not disclosed for confidentiality or prosecutorial reasons) were taken to Logor Trnopolje. The three remaining women (whose names are not disclosed for confidentiality or prosecutorial reasons) have not been heard from since, and other female former detainees in Logor Omarska believe that the three are dead.

577. The two women transferred from Logor Omarska on 23 August 1992 were detained in Logor Trnopolje together with two women from Trnopolje village. After being registered by the ICRC, they were allowed to move more freely around in Logor Trnopolje. The other women, who had been relocated from Logor Omarska to Logor Trnopolje earlier, were never officially registered as concentration camp inmates by the ICRC.

578. As Logor Trnopolje was exposed to international attention and its appearance improved, and especially as evacuations out of the camp by international agencies started, there were non-Serbs finding life at liberty in Opština Prijedor so difficult, not to say dangerous, that they, on their own initiative, out of lack of better options, tried to move into Logor Trnopolje. Some even paid the guards to be accepted as inmates in the camp. It may, of course, be speculated that what they really wanted was third country resettlement. In most cases, that is likely to be theory only, given that at the time the non-Serbian inhabitants in Opština Prijedor as such and as a whole had well-founded fear of persecution. Still the Serbian regime in Logor Trnopolje included severe abuses of camp inmates. But hiding among the other inmates, detention in the concentration camp may have been perceived as a safer option than venturing out on one's own.

579. Quoting a woman who had come "voluntarily" to Logor Trnopolje from the village of Trnopolje, Ed Vulliamy wrote:

> "The conditions are terrible [in Logor Trnopolje], but it is a little safer. There was terrible shooting and bombing in the village, and we had no food. Here, we have no idea what status we have. We are refugees, but there are guards; and barbed wire. But it is safer than at home."[44]

580. On the other hand, some of the former Omarska and Keraterm detainees were released from Logor Trnopolje, and returned to Prijedor town or sought shelter there as other non-Serbian habitations were virtually non-existent in the Opština at the time. These returnees were especially people who still had family members in the district, or who wanted to check if that was the case before they would consider leaving Opština Prijedor.

581. One identified and especially ill-reputed Serb (whose name is not disclosed for confidentiality or prosecutorial reasons), belonged to a so-called intervention unit, the kind of units used to trace and capture potential camp inmates (see Chapter V.C. supra). After prisoners had been released from the concentration camps, he and his unit traced and killed some of the former Omarska inmates in Prijedor town. Eight others, who allegedly killed former concentration camp inmates and other non-Serbs, are also identified but their names are not disclosed for confidentiality or prosecutorial reasons.

B. Exchange of prisoners or extermination?

582. On 28 July 1992, an exchange of prisoners was to take place. It was to involve 41 male prisoners and two female prisoners from Logor Omarska - the women's names are not disclosed for confidentiality or prosecutorial reasons. They were to be exchanged for other prisoners in Bihać. All were to wear uniforms and Green Berets (Muslim military outfits that is) and to be provided with weapons. It was a bus marked Bihać, and "Šešelj" was written on it. Sitting in the bus were men with huge beards and uniforms; they were wearing fur hats with Serbian emblems. The day after, as a female camp inmate was serving food, a Serbian military cursed the mothers of the prisoners and asked who could say that Kozarac had not been attacked by the "Green Berets", i.e. the Muslims! None of the prisoners who were taken out, ostensibly for exchange, have reportedly ever been seen again.

583. Vojislav Šešelj is the self-proclaimed leader of the Četniks, and as a politician he runs the Serbian Radical Party. He is occasionally referred to as the Red Duke. One hallmark of his Četniks is uncombed long hair and flowing black beard.

584. According to the information gathered, no one taken out of Logor Omarska or Logor Keraterm to be supposedly exchanged have ever been seen or heard from again.

585. According to journalist Ed Vulliamy, he was told about four different categories of prisoners in Logor Omarska when visiting it in August 1992 - at the time when the camp still had some inmates:

> "Then there is a fourth category: 'Hostages?' answers Mrs. Balban [who translated for the Serbian regime in Logor Omarska], 'of course we have hostages, people for exchange. We have been offering them since the beginning of the war, but the other side does not want to trade.'"[45]

586. On 4 August 1992, two buses arrived with prisoners from Logor Keraterm, as Keraterm was being closed. It was the most "dangerous" prisoners who were transferred to Logor Omarska. The next day, at about 11:30 p.m. all these prisoners and one prisoner from Logor Omarska (an ear nose and throat specialist from Prijedor, whose name is not disclosed for confidentiality or prosecutorial reasons, who was held in particularly high esteem by his fellow non-Serbs) were taken out to an unknown destination. A prisoner, whose name is not disclosed for confidentiality or prosecutorial reasons, later told a

fellow prisoner that another man, a Serb, had approached him boasting that he had killed the medical doctor, and that all the other prisoners as well had been killed on 5 August 1992 at Lušci Palanka in the area of Sanski Most. Apparently, none of these prisoners have been heard from again.

587. The Serbs had their codes, it is claimed. When they said that prisoners were to be taken to Gradiška for exchange, they would allegedly be taken to nearby Gradina to be executed.

588. If in Opština Prijedor people ever were rounded up for the sole immediate purpose of exchanging them - to serve as "the currency of war" as the expression is in the vernacular - is unknown. Obviously, round-ups for detention and/or deportation also served the ultimate goal of having the non-Serbs leaving the area.

C. Transfer of prisoners to Logor Manjača

589. On 6 August 1992, as Logor Omarska was to close, all the prisoners were called forward. The name of one former employee of Radio Prijedor (whose name is not disclosed for confidentiality or prosecutorial reasons) was not on the list. After one hour it was, however, arranged that he too was included on the list. From this event, it was understood that someone had helped him by having had his name removed from the record of detainees earlier. This was how he had been spared from ever being called forward for interrogation in the concentration camp. In retrospect, camp inmates think that the Serbs intended, however, to kill him during the transport from Logor Omarska.

590. When convened, on 6 August 1992, the camp inmates thought that they were to be transferred to Trnopolje. But the prisoners understood that this was not the case as 100 persons were squeezed into each bus. What started was the transfer to Logor Manjača in the area of Banja Luka. Some prisoners had to lay down under the seats in the buses. The prisoners sitting on the seats were to sit three prisoners on each two seats. The employee of Radio Prijedor was ordered to sit in front on the left side behind the driver. All prisoners had to bend down their heads. With the prisoners in this bus was the previously mentioned (see Chapter XII.A. supra), identified and especially ill-reputed Serb (whose name is not disclosed for confidentiality or prosecutorial reasons), who belonged to a so-called intervention unit.

591. On 6 August 1992, it was still very hot. The Serbs had turned on the heat in the buses and kept all windows shut. Shots were fired, and Serbs along the roadside were throwing bottles and stones at the buses. The distance between Logor Omarska and Logor Manjača is some 60-70 kilometres, the bus ride none the less lasted from about 1:00 p.m. until about 9:30 or 10:00 p.m. Save for water given to one prisoner (an author whose name is not disclosed for confidentiality or prosecutorial reasons) as a pretext for beating him, the prisoners were not given any water during the trip. The employee of Radio Prijedor fell asleep. As the bus had stopped, he woke up hearing something that ruptured and someone crying out in agony like a child. Later, he learned that the sounds probably had come from a fellow prisoner (the victim's name is not disclosed for confidentiality or prosecutorial reasons) who after torture was killed as he was gored from below on a sword. At the same moment, the employee of Radio Prijedor was hit in his neck (maybe with the handle of a spade). A scream came from his stomach, and as a reaction, he bounced to his feet trembling uncontrollably. Then, he sat down again.

592. Afterwards, the especially ill-reputed Serb from the intervention unit boasted that there was a Serb who manufactured a special baton for his

comrades to use to handle non-Serbs.

593. After being seated for about 10 minutes, a Serbian military person came to call the employee of Radio Prijedor to leave the bus. Outside five identified prisoners had been mistreated and had had their throats slashed (the victims' names are not disclosed for confidentiality or prosecutorial reasons). As he came out, he found himself surrounded by some eight or nine Serbs beating him. He could no longer sense pain, but he knew that as soon as a prisoner was on his knees that prisoner's throat would be slashed. All of a sudden, he ran towards the bus, where he was stopped by a knife in its sheath pressed into his stomach. Possibly because of the scream he had made when he first was hit in his neck, the commander of Logor Manjača had come out to the buses and told the Serbs there to stop the ill-treatment.

594. Back in the bus, the employee of Radio Prijedor realized that it was the collar of his jacket which had protected his neck. He was soaking wet with blood. He had a wound in his forehead, one behind the left ear, and one on his chin/mouth; some teeth had been beaten out. Utterly fearful of what could happen if he ventured outside of the bus again, he urinated in his trousers.

595. The next day the prisoners were thrown out on a field and called forward by name. The first they called for was already dead. Then, an identified Serbian guard, a former policeman, now retired (whose name is not disclosed for confidentiality or prosecutorial reasons), stabbed one other prisoner in his stomach and cut the prisoner's head from the side of the neck.

D. Executions on the Vlašić Mountain

596. One member of the Krizni Štab Srpske Opštine Prijedor, who was engaged in the local Red Cross (his name is not disclosed for confidentiality or prosecutorial reasons), allegedly had people pay DEM 50 per person to be transported in Red Cross vehicles towards Travnik. Non-Serbs in four such buses were allegedly among those liquidated at the Vlašić Mountain.

597. Primo June 1992, the ICRC listed the misuse of the Red Cross emblem as one main obstacle to humanitarian activities in BiH. The misuse was, according to the ICRC, one of several factors causing insecurity for everyone - the local population included.

598. On 21 August 1992, a convoy of vehicles with people leaving Prijedor for Travnik stopped by Logor Trnopolje and prisoners from the camp could freely enter the buses. More prisoners wanted to join the convoy than there was space for in the buses. One elderly woman warned prisoners against going, saying that she had "heard horrible things". When the convoy reached the Vlašić Mountain the prisoners from Trnopolje were separated from the people from Prijedor. The prisoners - men only - were cramped into two buses, conceivably 100 men in each bus. The total number was probably no less than 250. Nearby a mountain top, perhaps called Koricanske Stijene (or Kocinske Stjen), the prisoners had to leave the buses next to a cliff above the Ukrina (or Ugljenika) River. The prisoners were lined up in two rows and ordered to kneel down and face the river. It was several hundred metres down to the river. The cliff as such was very steep, but there was also a slope next to it. There was a house on the other side of the valley. It is not far from Skender Vakuf - where some military or paramilitary Serbs had entered the buses.

599. A firing squad of some 15 Serbian soldiers started shooting the prisoners, of whom a limited few jumped off the mountain before being shot. One of the survivors hid himself laying some 50 or 60 metres down the slope,

under the body of one other man who was already dead. Serbian soldiers were also throwing grenades down the slope from above. Some soldiers even came down the slope to see to it that all the prisoners were dead. The next day, dead bodies were piled up and put on fire by Serbs in camouflage uniforms. One of the soldiers was wearing a badge with a white eagle on his cap.

600. The river, which is reportedly also known as Ugar, is a relatively small stream and there was a small mill there.

601. The leader of the soldiers was the previously mentioned (see Chapter XII.A. supra) identified and especially ill-reputed Serb (whose name is not disclosed for confidentiality or prosecutorial reasons) who belonged to a so-called intervention unit. Another soldier is also identified, but his name is not disclosed for confidentiality or prosecutorial reasons. Other people have identified the latter as a member of the Serbian Red Cross working in Logor Trnopolje, who once had boasted that he had blown up a Muslim with a bomb.

602. Reports suggests that another group of prisoners from Logor Trnopolje may have been executed in a similar manner on the Vlašić Mountain on 24 August 1992. Whether this is the time when the prisoners were brought to the cliff in four buses and executed with the assistance also of five White Eagles (Beli Orlovi), is not clear. On the latter occasion, an estimated 250-300 men were killed.

603. It is suggested in the reports that it may have been a member of the Krizni Štab Srpske Opštine Prijedor who was the camp director in Logor Trnopolje (his name is not disclosed for confidentiality or prosecutorial reasons), who had organized the massacres. Mostly Muslims were executed on the Vlašić Mountain, but also Croats.

E. Evacuation by international agencies

604. On 1 October 1992, the two women transferred from Logor Omarska and detained in Logor Trnopolje were released and joined the first convoy to Karlovac (in Croatia).

605. In early October 1992, the ICRC evacuated some 1,500 concentration camp inmates - mainly men - from Logor Trnopolje. Later a limited number of non-Serbian detainees were exchanged for Serbs from other areas. The first group of prisoners evacuated from Logor Trnopolje left the camp on 1 October 1992. In November 1992, the ICRC was able to evacuate also the group of prisoners who had been moved to Logor Manjača after Logor Keraterm and Logor Omarska had been closed down.

606. The evacuated came to Karlovac in Croatia, wherefrom they were resettled, inter alia, in Australia, Austria, Belgium, Canada, the Czech Republic, Finland, France, Germany, Italy, Malaysia, the Netherlands, New Zealand, Norway, Spain, Sweden, Switzerland, the United Kingdom and the United States of America.

607. In August 1992, the spokesperson of the UNHCR in the organization's headquarters in Geneva, Silvana Foa, announced that "We will not be accomplices to the despicable policy of ethnic cleansing." Accepting the haunted people from BiH into Croatia for the UNHCR to find third country resettlement for them from there, could, of course, at a first glance be construed as the UNHCR doing "the dirty job" on behalf of the Serbs as the Serbian ambition was precisely to get rid of the non-Serbs.

608. On second thought, the UNHCR changed its view. In my opinion, it is

morally and ethically indisputable that the international agencies having evacuated and resettled people in need cannot be criticized for that. Every human being has the inherent right to life. The sole responsibility for the "ethnic cleansing" remains with those who made it impossible for the people to remain in Opština Prijedor and those who let that happen. The agencies ameliorated acute suffering and ought not to be accused of having "cleansed" or drained the area of non-Serbs even if some non-Serbs, then not targeted themselves, took the opportunity to leave with the evacuations. The overall situation was ominous and remained so for all non-Serbs, that is the heart of the problem. If any castigation is due, it is for those individuals in international organizations who directly or indirectly concealed the truth and thereby facilitated the perpetuation of the crimes.

609. In late 1993, Vreme reportedly quoted Lyndall Sax, the Belgrade spokesperson of the UNHCR, as follows:

> "From my point of view, it is better to help with the removals. The people should be enabled to live where they want to live. They should not be forced to stay if they do not feel themselves safe. In any case, it is better to keep people alive than do nothing in order to avoid accusations of ethnic cleansing."

XIII. THE SUBSEQUENT OVERALL SITUATION

610. After the main phase of the catastrophe was over, a sinister system to prompt an ever higher degree of ethnic homogeneity has continued to prevail. The means applied range from the use of brute force to sophisticated bureaucratic regulations.

611. On 17 February 1993, "A dramatic cry for help by the [Catholic] Bishop and priests of the Banja Luka diocese" was issued. Opština Prijedor is part of the Banja Luka diocese. After "subjugation over the past ten months to totally unlawful deprivation of our [the Catholics and other non Serbs'] human rights" the situation was considered dramatic and rapidly deteriorating. Massacres and torture being the most grievous crimes, the following was also complained of:

(a) the ongoing planned ethnic cleansing;
(b) the sacking of a vast number from their employment causing total existential damage for the affected people, especially for those living in the urban areas;
(c) the forceful mobilization of Catholics to fight against their own and other nationals;
(d) the exclusion of the Catholics from the political decision-making of their country including matters of their faith;
(e) the destruction of churches and church buildings, and other sacrilege acts;
(f) the inability for adult men to move freely; and
(g) the lack of health care and exclusion from hospital care.

612. Despite the Catholic church having been present in the region for seventeen centuries, some of the Catholic parishes had already at that time been totally emptied of their Catholic populace.

613. According to the interview of Simo Drljača (chief of the Serbian secret police in Prijedor and member of the Krizni Štab Srpske Opštine Prijedor), Drljača ascertained that:

> "Due to the actions of war, the participation of the authorized

> workers and their preventive-repressive activity had a much weaker intensity than during the years before. Thus were submitted 622 cases of criminal persecution. At check points were controlled 61,290 cars and 72,550 passengers. Due to suspicion that they originate from criminal acts, 19 motor vehicles were confiscated and a large number of things, and all this was orderly handed over to the Opština commission and stored in the firms Velepromet or Bosnamontaza. About the later fate of the confiscated things and cars, evidence may be given by the legal authorities of the Opština organs.
>
> In the past period were registered 792 criminal acts: 776 from the general criminal code and 16 economic criminal acts. The cleared up criminal acts were committed by 261 person (220 adults and 31 under age), and 22 returnees were registered. Of all 792 registered criminal acts, 250 of them were totally cleared up, while 442 criminal acts remained uncleared (due to unknown identity [of the perpetrators]).
>
> A typical activity of the SJB [the Public Security Service, see Chapter V.A. supra] and its operative workers was fighting illegal trade with foreign currency. 25 cases of currency criminality were raised against 31 persons. Besides 28 smugglers of food taken from Agrokomerc - the food was handed over to the Opština and stored in Velepromet - [arrested], the following was confiscated and deposited at the Agriprom bank of Banja Luka, Prijedor branch: 1,032,150 dinars, DEM 10,580, ATS 9,720, ITL 2,000, CHF 32, BEF 200, USD 400, and in the coffers of the CSB Banja Luka 3,011,730 dinars RS [Republika Srpska, i.e. the Serbian Republic], 129,700 dinars RSK [Republika Srpske Krajine i.e. the Republic of Serbian Krajina], DEM 7,900, ATS 4,400, FRF 500, CHF 410, USD 290, and in the National Bank of Banja Luka large quantities of gold and jewellery.
>
> On the territory of Prijedor, the SJB has registered 58 murders, the victims of which were 23 Serbs, 9 Croats and 20 Muslims, and in 6 cases the victims are unknown. 31 of these cases were totally cleared up by the SJB, and 18 cases were handed over to the prosecutor in Prijedor, 13 cases to the military authorities, 6 cases put ad acta, and 22 cases are still under investigation. Most of these criminal acts were committed while military actions were taking place in the areas where they were committed. Officials of the SJB intervened 1,097 times due to different causes (disturbance of public order).
>
> . . .
>
> In spite of the documented work done by the workers of the SJB Prijedor, it is normal that more could have been done and better. I am satisfied that I leave behind workers - professionals who know how to do their job, they should just be allowed to do it. Political conditions and war normally hinder professionals from doing their job properly. Also among the police there were profiteers, thieves and cowards, an indicative sign is that so far 130 have been fired."[46]

614. On 31 October 1992, the BBC reported that representatives of the Serbian enclaves in BiH and Croatia had met and agreed to establish a common currency and common armed forces. This is not a very surprising move to be taken by units in the same federal State. There are also other signs of harmonization not to say preparations for future unification. The official rubber stamps used by the Serbs in BiH display the revitalized old Serbian coat of arms, and the flag is that of the Federal Republic of Yugoslavia. From the point of view of the Bosnian Serbs, they constitute one of the units of the FRY, although this probably for reasons of convenience and international political

pressure has been downplayed by the latter. In general, there is strong pressure to establish a new, exclusively Serbian and conform social order in the district (see Chapter XI.B. supra).

A. Violence

615. As concerns violence befalling non-Serbs at the hands of Serbs, the overall picture is that incidents of torture, rape and summary executions still occur. Beatings, general harassment and intimidation have reportedly shown an exponential increase. The local Serbian leadership disclaim responsibility normally, and accuse "totally uncontrolled elements" of the misdeeds, or drunk soldiers on their way home from the war, or intoxicated locals.

616. The ensuing upsurge in crimes which follows a general breakdown in law and order does not qualify as persecution. A general breakdown in law and order may, however, be a premeditated instrument - a situation carefully orchestrated to hide the true nature of the evil. Thus, it should not be accepted at face value that the perpetrators are merely uncontrolled elements, especially not when these elements target almost exclusively non-Serbs who are otherwise discriminated against and persecuted. Unwillingness to chasten, prosecute, and punish "uncontrolled elements" may be another indication that these elements in reality are but a useful tool for the implementation of a policy of persecution.

617. As violence against non-Serbs was and is conducive to the overall ambition of the Serbian regime, and neither in the past have lead to or at the present leads to prosecution, it may be concluded that this kind of violence at best has been and remains tolerated. It may even have been kindled not to say carefully orchestrated.

B. Evictions

618. Still there may be a few Catholics (i.e. Croats) living in the Kozarac area, but no Muslims. Only one street in the town is intact. The Serbian administration for some time reportedly made futile efforts to have Serbs move into the area.

619. Along the main road Prijedor - Banja Luka, in the Kozarac area, for a distance of more than 10 kilometres, almost every house has been destroyed. Many houses were hit in the heavy artillery barrage against the area in May 1992. Later, each house was looted and apparently blown up from the inside - destroying especially the inside and the roof (see Chapter VII.B. supra). This means that the entire area now is more or less a ghost area, and the housing needs major repair before being reinhabited on a permanent basis.

620. Most of the blown-up houses along the main road have been marked with an X with a circle around it painted in blue. Just after the Serbian military destruction of Kozarac, it was reported that the same sign was painted on the houses in Kozarac with the following colour code: yellow meaning "to be inhabited", blue indicating "to be rebuilt", and red signifying "to be destroyed".

621. The former non-Serbian habitations on the left bank of the Sana River (see Chapters VII.A. and VII.D. supra) reportedly remains mainly depopulated as well.

622. More recently, the main evictions took place in Prijedor town, where

non-Serbs were evicted to give room - or better housing - to Serbs. Some non-Serbs have been evicted several times; first from their villages to Prijedor town, thence from bigger flats to smaller flats, and finally to nothing. There is information that non-Serbs have been murdered in their own homes by Serbs interested primarily in taking over the housing facilities.

C. No legal protection

623. Numerous reports relate to violence and abuses committed by paramilitary or irregular military units or armed bandits. Local Serbian authorities time and again emphasize that these groups are not under their command or control. However, the said groups are only uncontrolled in that they do not attack Serbs without facing charges and trials. On several occasions, it has been reported that Serbian police, when called upon during and after incidents where the victims are non-Serbs, have done nothing to stop the perpetrators or to secure any evidence. The police have only told the victims that they must understand that there is no protection for non-Serbs in the Serbian-controlled community and that they had better leave it as soon as possible. Sometimes the perpetrators are said to be Serbian policemen. Whether premeditated or tacitly tolerated, the Serbian leaders de facto accept the activities of the groups as an instrument to further some overall Serbian ambitions. The same is reportedly the case when individual Serbs commit crimes against non-Serbs.

624. It is a basic principle that the law shall prohibit discrimination and guarantee all persons equal and effective protection against discrimination on any ground such as race, religion, political or other opinion. Never the less, not even the courts have reportedly seen it as their obligation to seek justice for the non-Serbs. There seems in other words to be no legal protection which can be obtained by the non-Serbs. This is so not only when they have been subjected to violent crimes, but also when non-Serbs are denied their basic rights as citizens, for example, when they are evicted, dismissed from their work, and/or enrolled for working obligation in disregard of the rules for such labour.

625. Other civil services are also being denied the non-Serbs. Of particular significance, is that they are denied hospital services and other medical services. In this respect, as well, the non-Serbs are without any recourse to a legal system which will help enforce their civil rights.

D. Forced labour

626. The non-Serbs remaining in Opština Prijedor are, in general, not permitted to return to their former occupations. Many - probably almost all ablebodied men - are, however, conscripted to work for the Serbian army to dig trenches on the front lines and to transport live ammunition, for example. Other non-Serbian conscripts work for the civilian Serbian authorities - engaged in cleaning and electrical repair in particular (the latter allegedly with no consideration taken of whether or not the person in case is actually trained to handle this kind of work). The latter is in disregard of Article 5 in the "Decision on Organization and Carrying out of Working Obligation for Defence Matters" which regulates that:

> "Working obligation subjects must be assigned on duties and tasks in accordance with their psycho-physical abilities, professional qualifications and necessities of the work and production."

627. The regulations are possibly applied differently to Serbs and non-Serbs. There are no age limits in the regulations for people subjected to working

obligation. The working obligation seems to be an added burden on the non-Serbs as it is reportedly frequently combined with harassment and other kinds of abuse.

628. If a person deserts the forced labour, repercussions are likely to befall not only the individual himself, but also that person's relatives.

629. As a general rule, pensions have been terminated for non-Serbs, with exceptions such as for relatives of some of those doing forced labour.

D. Continued detention?

630. There are allegations of the following new prison camps in Opština Prijedor:

(a) Lisina: north north-east of the village of Lamovita, next to the television transmitter on the Kozara Mountain;
(b) Orlovci: in the village of Orlovci; and
(c) Gumara: a rubber plant in Prijedor. This camp is said to be for Serbs who refuse to wage war against the non-Serbs.

631. It is unknown when the camps have been or if they still are operational.

632. Whether non-Serbian prisoners continue to be incarcerated on the estate of the mine in Ljubija and in the Prijedor suburb of Puharska is also not known. Unconfirmed rumours will have it that some tunnels used to cultivate mushrooms, and also the tunnel between the football stadium and the dressing rooms, both in Ljubija, are used to imprison non-Serbs.

F. Reprisals

633. A Serb named Dušan, alias Dule, Tadić has been mentioned several times in this analysis (see Chapters III.E., VII.B. and VIII.A. supra). He is from Kozarac where he was the owner of cafe Nippon. He is about 40-years old, approximately 180 centimeters tall, with black hair, and trained in karate (holder of a black belt). When the Serbs took power on 30 April 1992, Dušan Tadić was reportedly president of the SDS at Kozarac. He was a reserve policeman. He was reportedly a highly active participant in the ensuing violence after the bombardment of the Kozarac area came to a halt (see Chapter VII.B. supra). He is said to have been engaged in mishandling, torturing and killing prisoners in Logor Omarska, where he allegedly, inter alia, forced one prisoner to bite off the testicles of other prisoners who died subsequently.

634. On 12 February 1994, Dušan Tadić was arrested in Germany and has subsequently been transferred to the ICTFY for trial. Immediately after the arrest of Dušan Tadić, a wave of violence against non-Serbs was reported from Opština Prijedor. It was speculated that this was in reprisal for the arrest, or rather for any efforts to follow up on the events in the district with criminal cases against alleged Serbian perpetrators.

635. Without capitulating to speculations and fear, it ought to be considered on the level of the United Nations and with reference to the upcoming work of the ICTFY if reprisals against non-Serbs still in the district could become a serious problem if only those in inferior positions are held responsible and the rest of the apparat is left in place. Unless the ICTFY attempts to bring superiors to justice for their alleged crimes, they may use the criminal action against underlings as just another reason for abusing non-Serbs - although all available information indicates that they need no pretexts for terror of any kind. For potential witnesses, such theoretical, more than

practical, linkage may, however, be a strong emotional constraint which ought not to be underestimated. Considering the amount of solid information and other sources of evidence already available about the events in Opština Prijedor, justice is unlikely to suffer if the international community first aims at prosecuting responsible key leaders (whether or not they will be made available to the court) and thence alleged perpetrators of less significance.

G. Total evacuation of the non-Serbs?

636. From the very beginning when the violence in Opština Prijedor commenced, Serbian people in the district have been stating that they want an ethnically clean Greater Serbia.

637. The Herald Tribune reported that:

> "Two Muslim villages and a Gypsy one near Prijedor, with a collective population of nearly 1,000 people, have approached the UNHCR [the United Nations High Commissioner for Refugees] office in Banja Luka to request evacuation."[47]

638. The last days of March 1994 became a time with a number of reported killings:

(a) On 25 March 1994: three identified non-Serbs from Prijedor went missing.
(b) On 27 March 1994: two identified non-Serbs from Prijedor were killed on working obligations for the Serbs.
(c) During the three days 29, 30 and 31 March 1994, 19 identified non-Serbs from Prijedor were killed. Most of the people killed were couples and other immediate family members.
(d) The next day, on 1 April 1994: also an identified non-Serb, a 25-year old young man, died from the injuries he sustained the previous day when his parents were killed.

The victims' names are not disclosed for confidentiality or prosecutorial reasons.

639. There were other suspected murders as well but the supposed places of murder could not be accessed at the time. Later, it is estimated by people in the district that a total of 47 non-Serbs may have been killed in Opština Prijedor during the last days of March 1994. Among them were reportedly a group who had to dig their own grave before they were shot and buried near the cattle marked at Urije in Prijedor town.

640. From 29 to 31 March 1994, 20 houses of non-Serbs in Prijedor were bombed and/or burned. One more house inhabited by non-Serbs in Prijedor faced a similar fate on 4 April 1994.

641. These crimes were reportedly committed, in part, by Serbian police officers in uniform. It was rumoured that the violence was mass revenge killings after six Serbian police officers from Prijedor had been killed in Bihać in the first week of February 1994 (apparently the policemen were trapped and attacked when the front line suddenly was withdrawn). The Bihać pocket is outside of the Serbian-controlled areas in north-western BiH and not at all connected to Opština Prijedor.

642. At the time, all telephone lines were cut for the minorities, who approached the ICRC and asked that all remaining minority members in Opština Prijedor be evacuated, asserting ,"If we stay here, we will all be killed".

643. The international community, considering the situation "simply disastrous", intervened with the local Serbian leaders. The Serbian police chief admitted that there were problems, but claimed that the events were part of a conspiracy by the non-Serbs to slander the Serbs. He ascertained that the Serbs would not stop non-Serbs from leaving the area. Another Serbian local leader concluded that the three nationalities (the Serbs, the Croats and the Muslims) could no longer live together in peace and that there had to be territorial separation.

644. The President of the ICRC later, on 11 April 1994, in Belgrade held talks even with Slobodan Milošević the President of the FRY to have the abuses stopped. Intervention by the ICRC to have permission to evacuate all non-Serbs remaining in Opština Prijedor who want to leave has, for different reasons of lack of cooperation and safety, not yet yielded any practical results.

645. The ICRC related the following in its 1994 report on BiH:

> "The plight of civilian minority groups in northern Bosnia is a source of grave concern to the ICRC, which has made repeated representations on the subject to the relevant authorities, especially after a deterioration of the situation in the town of Sipovo, south of Banja Luka, in early March. Despite the guarantees about the safety of minorities given to the ICRC by the highest authorities, about 20 civilians belonging to minority groups were killed in Prijedor on 29 and 30 March. This compelled the ICRC to consider evacuating all those who so wished, as a last resort to save their lives.
>
> The ICRC has therefore requested to be allowed to transfer, in satisfactory conditions of security, all those wishing to be evacuated. After an initial favourable response from the Bosnian Serb authorities, conditions were imposed on the ICRC that rendered the evacuation unfeasible.
>
> The ICRC is continuing its representation to the Bosnian Serb authorities, asking them to take urgent practical measures to guarantee the safety of Muslims and Croats in the region and to convince these minorities that they can remain safely in their homes. At the same time, the ICRC is pursuing its efforts to deploy delegates in Prijedor and facilitate the transfer of persons wishing to leave the town."[48]

XIV. ENDNOTE

646. An identified Serbian violinist (whose name is not disclosed for confidentiality or prosecutorial reasons) had been awarded several international prizes for his music. He was reportedly killed in Prijedor by fellow Serbs after he, when they all were sitting in a coffee bar, had told them that he disapproved of their brutality towards non-Serbs.

647. Serbian inhabitants in Omarska village held a protest meeting against the existence of Logor Omarska.

648. From the village of Omarska, Serbian women approached Logor Omarska to give food to the camp inmates, and to demand their release. Serbian women even tried to stage a demonstration against Logor Omarska in Prijedor town in front of the town hall and the police centre (next to the town hall).

649. Serbs were among those alerting the Serbian police of imminent destruction of cultural property in Prijedor, although to no avail.

650. There is no question that there were many Serbian individuals in Opština Prijedor who had mercy for non-Serbs, protecting and assisting them as best they could - at great risk to their own security. The Serbian leaders did not tolerate any such "collaboration". Serbs found to have assisted any non-Serbs were severely punished, and some Serbs even paid with their lives for their mercy.

Part Three

THE LAW

651. The following discussion of the applicable law is also found in the Final Report of the Commission of Experts.[49]

I. CRIMES AGAINST HUMANITY

A. The Statute of the ICTFY

652. Article 5 of the statute of the ICTFY affirms the competence of the ICTFY to prosecute persons committing "crimes against humanity", which are defined as specified acts "committed in armed conflict, whether international or internal in character, and directed against any civilian population", such as national, political, ethnic, racial or religious groups.

653. The definition of crimes against humanity in Article 5 of the Statute codifies accepted principles of international law applicable erga omnes. As ascertained by the International Military Tribunal at Nuremberg, there are "elementary dictates of humanity" to be recognized under all circumstances. The United Nations General Assembly in its Resolution 95 (I) of 11 December 1946 affirmed the principles of international law recognized by the Charter of the Nuremberg Tribunal and the judgement of the Tribunal.[50]

654. The Nuremberg application of "crimes against humanity" was a response to the shortcoming in international law that many crimes committed during World War II could not technically be regarded as war crimes stricto sensu on account of one or several elements, which were of a different nature. "Crimes against humanity" was, therefore, conceived to redress crimes of an equally serious character and on a vast scale, organized and systematic, and most ruthlessly carried out.

B. Armed conflict

655. Crimes against humanity apply to all contexts. They are not, therefore, confined to situations of international armed conflict, but also apply to all armed conflicts including internal ones - civil wars and insurrection - and whatever casus mixtus may arise in between internal and international armed conflict. Thus, it includes all armed conflict, whether they are of an international or non-international character. However, not every act committed by force of arms is an armed conflict; a genuine armed conflict has to be distinguished from a mere act of banditry or an unorganized and short-lived insurrection. Crimes against humanity are also no longer dependant on their linkage to crimes against peace or war crimes.

656. Articles 2 and 3 of the Statute of the ICTFY address "Grave breaches of the Geneva Conventions of 1949" and "Violations of the laws and customs of war". Article 5, which concerns crimes against humanity, contains minimum provisions which must be respected, a fortiori, whether or not Articles 2 or 3

are applicable to a specific conflict.

C. Protected persons

657. Article 5 of the Statute of the ICTFY protects "any civilian population", which undoubtedly includes the whole of the population of the area afflicted by the armed conflict, without any adverse distinction based, in particular, on race, nationality, religion or political opinion. Refugees are not different from other civilians, and as such are protected within the meaning of "civilian population". "Civilian population" is used in this context in contradistinction to combatants or members of armed forces.

658. It seems obvious that Article 5 applies first and foremost to civilians, meaning people who are not combatants. This, however, should not lead to any quick conclusions concerning people who at one particular point in time did bear arms. One practical example: in the former Yugoslavia, large-scale arbitrary killings were one of the hallmarks of attacks by a given group. Information about such arbitrary killings was then used by the same group to instill fear and demand total subjugation of the other group in other areas as well. Many of the most barbarous onslaughts on villages started with heavy artillery bombardments followed by the villages being stormed by infantry in tandem, while paramilitary groups sought the inhabitants in each and every house. A head of family who under such circumstances tries to protect his family gun-in-hand does not thereby lose his status as a civilian. Maybe the same is the case for the sole policeman or local defence guard doing the same, even if they joined hands to try to prevent the cataclysm. Information of the overall circumstances is relevant for the interpretation of the provision in a spirit consistent with its purpose. Under such circumstances, the distinction between improvised self-defence and actual military defence may be subtle, but none the less important. This is no less so when the legitimate authorities in the area - as part and parcel of an overall plan of destruction - had previously been given an ultimatum to arm all the local defence guards.

659. The International Military Tribunal at Nuremberg stated the following concerning crimes against humanity and the importance of the overall circumstances:

> "The defendant contends that steeling the personal property of Jews and other concentration camp inmates is not a crime against humanity. But under the circumstances which we have here related [emphasis added], this plea is and must be rejected. What was done was done pursuant to a government policy, and the thefts were part of a program of extermination and were one of its objectives. It would be a strange doctrine indeed, if, where part of the plan and one of the objectives of murder was to obtain the property of the victim, even to the extent of using the hair from his head and the gold of his mouth, he who knowingly took part in disposing of the loot must be exonerated and held not guilty as a participant in the murder plan. Without doubt all such acts are crimes against humanity and he who participates or plays a consenting part therein is guilty of a crime against humanity."[51]

660. It is significant to note that Protocol II Additional to the Geneva Conventions of 1949 Relating to the Protection of Victims of Non-International Armed Conflicts, Part II "Humane treatment", addresses "Fundamental guarantees" in article 4 and includes in the protected group "all persons who do not take a direct part or who have ceased to take part in hostilities".

D. Acts constituting crimes against humanity

661. The different acts constituting crimes against humanity are enumerated in article 5 of the statute of the ICTFY, such acts are: "murder, extermination, enslavement, deportation, imprisonment, torture, rape, persecutions on political, racial and religious grounds, and other inhumane acts". "Other inhumane acts" covers serious crimes of a nature similar to the other crimes cited. It is not equally obvious if the eiusdem generis principle of interpretation will rule out a wider interpretation. It is necessary to ascertain that the acts included in the concept of "crimes against humanity" correspond to what is already considered international customary law

662. In the context of crimes against humanity, it is relevant to observe the same kind of prohibited acts listed in common article 3 (relevant to conflicts not of an international character) in the four Geneva Conventions of 1949, and in Protocol II Additional to the Geneva Conventions, are mere codification of elementary dictates of humanity. Article 3 prohibits "violence to life and person, in particular murder of all kinds, mutilation, cruel treatment and torture; taking of hostages; outrages upon personal dignity, in particular humiliating and degrading treatment; and the passing of sentences and the carrying out of executions without previous judgment pronounced by a regularly constituent court, affording all the judicial guarantees which are recognized as indispensable by civilized peoples". Protocol II, Part II, article 4 bans "violence to the life, health and physical or mental well-being of persons, in particular murder, as well as cruel treatment such as torture, mutilation or any form of corporal punishment; collective punishment; taking of hostages; acts of terrorism; outrages upon personal dignity, in particular humiliating and degrading treatment, rape, enforced prostitution and any form of indecent assaults; slavery and the slave trade in all their forms; pillage; and threats to commit any of the foregoing acts". The former Yugoslavia signed Protocol II on 11 June 1979 and ratified it that same day, without reservations, declarations or objections.

663. Crimes against humanity are not confined to situations where there exists an "intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such", which are preconditions for genocide. Crimes against humanity are, however, very serious international violations "directed against" the protected persons, in contradistinction to a fate befalling them merely as a side-effect, for example, of a military operation dictated by military necessity.

E. Widespread and systematic

664. Isolated acts constituting offences, such as extra-judicial executions or other common crimes punishable under municipal law, do not qualify as crimes against humanity by themselves. The acts must be part of a policy of persecution or discrimination. In addition, the acts must be carried out in a systematic way or by means of mass action. Thus, the number of victims and perpetrators are characteristically high. Because the perpetrators have a common plan containing the elements described above, they need not resort to the same means or acts against their victims. It is the systematic process of victimization against the protected group which is essential. For example, a number of interviewees reported that some persons had been crucified, but it is not necessary that all victims of the protected group be crucified or that this particular "inhumane act" be recognized in and of itself to be part of crimes against humanity. It is the overall context of large-scale victimization carried out as part of a common plan or design which goes to the element of systematicity.

665. It should be noted that the ensuing upsurge in crimes that follows a general breakdown of law and order does not qualify as crimes against humanity. However, a general breakdown in law and order may be a premeditated instrument, a situation carefully orchestrated to hide the true nature of the intended harm. Thus, it should not be accepted at face value that the perpetrators are merely uncontrolled elements, especially not if these elements target almost exclusively groups also otherwise discriminated against and persecuted. Unwillingness to manage, prosecute and punish "uncontrolled elements" may be another indication that these elements are, in reality, but a useful tool for the implementation of a policy of crimes against humanity.

666. Crimes against humanity may also amount to extermination of national, ethnical, racial, religious or other groups, whether or not the intent which makes such crimes punishable as genocide can be proven. They may also, through "inhumane acts", amount to large-scale human degradation. The scale and nature of such crimes become of special significance and of concern to the international community because of the abhorrent character of the overall policy, the means employed to carry out the policy, and the number of victims it produces.

II. GENOCIDE

A. The Convention on the Prevention and Punishment of the Crime of Genocide

667. The 1948 Convention on the Prevention and Punishment of the Crime of Genocide states that "genocide is a crime under international law, contrary to the spirit and aims of the United Nations and condemned by the civilized world", and as the United Nations recognized that "at all periods of history genocide has inflicted great losses on humanity".[52]

668. The Convention was manifestly adopted for humanitarian and civilizing purposes. Its objectives are to safeguard the very existence of certain human groups and to affirm and emphasize the most elementary principles of humanity and morality. In view of the rights involved, the legal obligations to refrain from genocide are recognized as erga omnes.

669. When the Convention was drafted, it was already envisaged that it would apply not only to then existing forms of genocide, but also "to any method that might be evolved in the future with a view to destroying the physical existence of a group".[53] As emphasized in the Preamble to the Convention, genocide has marred "all periods of history", and it is this very tragic recognition that gives the concept its historical evolutionary nature.

670. The Convention must be interpreted in good faith, in accordance with the ordinary meaning of its terms, in their context, and in the light of its object and purpose. Moreover, the text of the Convention should be interpreted in such a way that a reason and a meaning can be attributed to every word. No word or provision may be disregarded or treated as superfluous, unless this is absolutely necessary to give effect to the terms read as a whole.[54]

671. Genocide is a crime under international law regardless of "whether committed in time of peace or in time of war" (see article I). Thus, irrespective of the context in which it occurs (for example, peace time, internal strife, international armed conflict or whatever the general overall situation) genocide is a punishable international crime.

672. The acts specified in the Convention must be "committed with intent to

destroy, in whole or in part, a national, ethnical, racial or religious group, as such" (see article II).

B. The extent of destruction of a group

673. Destruction of a group "in whole or in part" does not mean that the group in its entirety must be exterminated. The words "in whole or in part" were inserted in the text to make it clear that it is not necessary to aim at killing all the members of the group.

674. According to the United Nations Special Rapporteur, B. Whitaker:

> "'In part' would seem to imply a reasonably significant number, relative to the total of the group as a whole, or else a significant section of a group such as its leadership. . . . considerations of both proportionate scale and of total numbers are relevant."[55]

675. If essentially the total leadership of a group is targeted, it could also amount to genocide. Such leadership includes political and administrative leaders, religious leaders, academics and intellectuals, business leaders and others - the totality per se may be a strong indication of genocide regardless of the actual numbers killed. A corroborating argument will be the fate of the rest of the group. The character of the attack on the leadership must be viewed in the context of the fate or what happened to the rest of the group. If a group has its leadership exterminated, and at the same time or in the wake of that, has a relatively large number of the members of the group killed or subjected to other heinous acts, for example, deported on a large scale or forced to flee, the cluster of violations ought to be considered in its entirety in order to interpret the provisions of the Convention in a spirit consistent with its purpose. Similarly, the extermination of a group's law-enforcement and military personnel may be a significant section of a group in that it renders the group at large defenceless against other abuses of a similar or other nature, particularly if the leadership is being eliminated as well. Thus, the intent to destroy the fabric of a society through the extermination of its leadership, when accompanied by other acts of elimination of a segment of society, can also be deemed genocide.

C. The groups protected

676. "National, ethnical, racial or religious groups" are all protected. The different groups relevant to the conflict in the former Yugoslavia - the Serbs, the Croats, the Muslims, the Gypsies, and others - all have status as ethnic groups, and may, at least in part, be characterized by religion, ethnicity, and nationality. It is not a condition that the victim group be a minority, it might as well be a numerical majority.

677. If there are several or more than one victim groups, and each group as such is protected, it may be within the spirit and purpose of the Convention to consider all the victim groups as a larger entity. The case being, for example, that there is evidence that group A wants to destroy in whole or in part groups B, C and D, or rather everyone who does not belong to the "national, ethnical, racial or religious" group A. In a sense, group A has defined a pluralistic non-A group using national, ethnical, racial and religious criteria for the definition. It seems relevant to analyse the fate of the non-A group along similar lines as if the non-A group had been homogenous. This is important if, for example, group B and to a lesser degree

group C have provided the non-A group with all its leaders. Group D, on the other hand, has a more marginal role in the non-A group community because of its small numbers or other reasons. Genocide, "an odious scourge" which the Convention intends "to liberate mankind from" (see the Preamble to the Convention), would as a legal concept be a weak or even useless instrument if the overall circumstances of mixed groups were not covered. The core of this reasoning is that in one-against-everyone-else-cases the question of a significant number or a significant section of the group must be answered with reference to all the target groups as a larger whole.

D. Intent

678. It is the element of intent to destroy a designated group in whole or in part, which makes crimes of mass murder and crimes against humanity qualify as genocide. To be genocide within the meaning of the Convention, the crimes against a number of individuals must be directed at their collectivity or at them in their collective character or capacity. This can be deduced from the words "as such" stated in article II of the Convention (see para. 638 supra). In most countries, penal codes do not regard motives, rather only intent, as the subjective or mental constituent element of a crime. Motive and intent may be closely linked, but motive is not mentioned in the Convention. The necessary element of intent may be inferred from sufficient facts. In certain cases, there will be evidence of actions or omissions of such a degree of criminal negligence or recklessness that the defendant may reasonably be assumed to have been aware of the consequences of his or her conduct, which goes to the establishment of intent, but not necessarily motive.

E. Acts constituting the crime of genocide

679. The different acts constituting the crime of genocide are enumerated in article II of the Convention, such acts are: "killing members of a national, ethnical, racial or religious group, causing serious bodily or mental harm to members of the group, deliberately inflicting on the group conditions of life calculated to bring about physical destruction in whole or in part, imposing measures intended to prevent births within the group and forcibly transferring children of the group to another group". Each of these categories of acts can constitute the crime of genocide, as could any combination of these acts.

F. Punishable acts

680. Article III of the Convention lists the punishable acts as being: "genocide, conspiracy to commit genocide, direct or public incitement to commit genocide, attempt to commit genocide and complicity in genocide". This enumeration indicates how far the crime needs to have advanced before it becomes punishable. For example, an attempt will suffice. Secondly, it describes what kind of involvement in an actual genocide may result in penal responsibility under the Convention. Thus, criminal responsibility extends to those involved in incitement, conspiracy and attempt, as well as individuals actually executing the specific acts prohibited by the Convention. Political masterminds or propaganda people are no less responsible than the individuals who perform the actual carnage. There are, therefore, several legal bases for criminal responsibility for individuals who engage in or are part of the various aspects of genocide.

G. Culpability

681. It is explicitly stated in the Convention that people who have committed genocide shall be punished whether they are "constitutionally responsible rulers, public officials or private individuals" (see article IV). Public officials include both civilian and military personnel and everyone who holds (or held) a public office - be it legislative, administrative or judicial. To meet the aims of the Convention, people in the said categories must be treated equally irrespective of their de jure or de facto positions as decision makers. As individuals, they are subject to prosecution like any other individual violator. They cannot hide behind any shield of immunity. The legal and moral responsibilities are the same and the need to prevent genocide no less clear because of the position of the violator.

H. The Statute of the ICTFY

682. The statute of the ICTFY, article 4, affirms the competence of the ICTFY to prosecute persons committing genocide. The definition of genocide in Article 4 of the Statute is identical to the provisions of the Genocide Convention.

Notes

1/ Kozarski Vjesnik, 9 April 1993.

2/ Siniša Vujaković's Interview of Simo Drljača, Kozarski Vjesnik, 9 April 1993 (the original is written in the Serbian language).

3/ Id.

4.Noel Malcolm, Bosnia: A Short History 178-79 (1994).

5.Telford Taylor, The Anatomy of the Nuremberg Trials: A Personal Memoir 51 (1992).

6.Misha Glenny, The Fall of Yugoslavia: The Third Balkan War 60 (1993).

7.Slobodan Kljakic, "A Year of War in Bosnia", Serbia, No. 24-25, April-May 1993.

8.Noel Malcolm, Bosnia: A Short History 252 (1994).

9.Siniša Vujaković's Interview of Simo Drljača, Kozarski Vjesnik, 9 April 1993 (the original is written in the Serbian language).

10.Misha Glenny, The Fall of Yugoslavia: The Third Balkan War 150-51 (1993).

11.Misha Glenny, The Fall of Yugoslavia: The Third Balkan War 151 (1993).

12.Siniša Vujaković's Interview of Simo Drljača, Kozarski Vjesnik, 9 April 1993 (the original is written in the Serbian language).

13.Id.

14.Ed Vulliamy, Seasons in Hell: Understanding Bosnia's War 100 (1994).

15.Siniša Vujaković's Interview of Simo Drljača, Kozarski Vjesnik, 9 April 1993 (the original is written in the Serbian language).

16.See "Dragan Janjetović - Janjac, leader of 'Manijakosi' was buried in Svodna on Sunday", Kozarski Vjesnik, 3 September 1993.

17.See "The anniversary of the 6th (2nd) Battalion of the 43rd Brigade", Kozarski Vjesnik, 25 June 1993 (the original is written in the Serbian language).

18.As quoted in "The anniversary of the 6th (2nd) Battalion of the 43rd Brigade", Kozarski Vjesnik, 25 June 1993 (the original is written in the Serbian language).

19.Siniša Vujaković's Interview of Simo Drljača, Kozarski Vjesnik, 9 April 1993 (the original is written in the Serbian language).

20.Interview of Colonel Milan Milivojević, Vreme (the original is written in the Serbian language).

Notes (continued)

21.Interview of a Serbian Association of War Veterans, Vreme, 6 December 1993 (the original is written in the Serbian language).

22.Id.

23.Vreme, 15 November 1993 (the original is written in the Serbian language).

24.Misha Glenny, The Fall of Yugoslavia: The Third Balkan War 206-07 (1993).

25.See Roy Gutman, A Witness to Genocide: The First Inside Account of the Horrors of "Ethnic Cleansing" in Bosnia 95 (1993).

26.See Roy Gutman, A Witness to Genocide: The First Inside Account of the Horrors of "Ethnic Cleansing" in Bosnia 114 (1993).

27.Roy Gutman, A Witness to Genocide: The First Inside Account of the Horrors of "Ethnic Cleansing" in Bosnia 94 (1993).

28.See Roy Gutman, A Witness to Genocide: The First Inside Account of the Horrors of "Ethnic Cleansing" in Bosnia 111 (1993).

29.Siniša Vujaković's Interview of Simo Drljača, Kozarski Vjesnik, 9 April 1993 (the original is written in the Serbian language).

30.See Roy Gutman, A Witness to Genocide: The First Inside Account of the Horrors of "Ethnic Cleansing" in Bosnia 96 (1993).

31.Ed Vulliamy, Seasons in Hell: Understanding Bosnia's War 104 (1994).

32.Id. at 101-02.

33.Id. at 103.

34.Siniša Vujaković's Interview of Simo Drljača, Kozarski Vjesnik, 9 April 1993 (the original is written in the Serbian language).

35.Id.

36.Id.

37.See Roy Gutman, A Witness to Genocide: The First Inside Account of the Horrors of "Ethnic Cleansing" in Bosnia vii (1993).

38.Kozarski Vjesnik, 2 July 1993 (the original is written in the Serbian language).

39.Kozarski Vjesnik, 16 July 1993 (the original is written in the Serbian language).

40.Id.

41.Siniša Vujaković's Interview of Simo Drljača, Kozarski Vjesnik, 9 April 1993 (the original is written in the Serbian language).

Notes (continued)

42."Serbian sacred objects in the territories of former Yugoslav republics which have been destroyed or damaged during the war 1991-93", Serbia, No. 23, 22 March 1993.

43.Ed Vulliamy, Seasons in Hell: Understanding Bosnia's War 113 (1994).

44.Ed Vulliamy, Seasons in Hell: Understanding Bosnia's War 105 (1994).

45.Id. at 103.

46.Siniša Vujaković's Interview of Simo Drljača, Kozarski Vjesnik, 9 April 1993 (the original is written in the Serbian language).

47.Herald Tribune, 19-20 March 1994.

48.ICRC, "The Humanitarian Situation in Bosnia-Herzegovina" (April 1994).

49.Final Report of the Commission of Experts Established Pursuant to Security Council Resolution 780 (1992), U.N. Doc. S/1994/674, at 20-27, paras. 72-101 (27 May 1994).

50.See also Official Records of the General Assembly, Fifth Session, Supplement No. 12 (A/1316).

51.U.S. von Weizsaecker (Ministries Case), 14 Trials of War Criminals before the Nuremberg Military Tribunals under Control Council Law No. 10 at 611 (1949) (The Green Series). See also International Military Tribunals sitting at Nuremberg, reported in Trial of the Major War Criminlas before the International Military Tribunal (1949).

52.General Assembly resolution 260 (III) of 9 December 1948, annex, second and third preambular paragraphs.

53.From a statement made by Mr. Morozov, representative of the Union of Soviet Socialist Republics, on 19 April 1948 during the debate in the Ad Hoc Committee on Genocide (E/AC.25/SR.12).

54.See Vienna Convention on the Law of Treaties, opened for signature on 23 May 1969, United Nations Treaty Series, vol. 1155, No. I-18232.

55.Revised and updated report on the question of prevention and punishment of the crime of genocide, E/CN.4/Sub.2/1985/6, para. 29.